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No. 39]

NEW DELHI, SATURDAY, SEPTEMBER 27, 1997/ASVINA 5, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 सितम्बर, 1997

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSION

(Department of Personnel & Training)

New Delhi, the 10th September, 1997

का.आ. 2387.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया
संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा
24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए श्री आर. शुन्मुगराज, अधिवक्ता, मदुरै को
केन्द्रीय प्रत्यवेक्षण ब्यूरो के मामलों के लिये मदुरै स्थित
विशेष न्यायालय में दिल्ली विशेष पुलिस स्थापना के
नियमित मामलों सं. आर.सी. 3(ए)/88-मद्रास, आर.
सी. 35(ए)/88-मद्रास, आर.सी. 26(ए)/86-मद्रास,
आर.सी. 51(ए)/89-मद्रास और आर.सी. 49(ए)/86-
मद्रास में अभियोजन का तथा किसी अन्य न्यायालय में
उनसे संसक्त ग्रथवा आनुषंगिक किसी अन्य विषय का
संचालन करने के लिये विशेष लोक अभियोजक के रूप
में नियुक्त करती है।

S.O. 2387.—In exercise of the powers conferred by sub-
section (8) of section 24 of the Code of Criminal Procedure,
1973 (Act No. 2 of 1974), the Central Government hereby
appoints Sh. R. Shunmugaraj, Advocate as Special Public
Prosecutor for conducting the prosecution of Delhi Special
Police Establishment Regular Cases No. RC-3(A)/88-MAS.,
RC-35(A)/88-MAS., RC-26(A)/86-MAS, RC-51(A)/89-MAS
and RC-49(A)/86-Madras in the Special Court for CBI cases
at Madurai and any other matter connected therewith or inci-
dental thereto in any other court.

[सं. 225/25/97-एवीडी-II(i)]
हरि सिंह, अवसर सचिव

[No. 225/25/97-AVD.II(i)]
HARI SINGH, Under Secy.

नई दिल्ली, 10 सितम्बर, 1997

ORDER

New Delhi, the 12th September, 1997

का.आ. 2388.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री एम. अन्तराज, अधिवक्ता, मदुरै को केन्द्रीय अन्वेषण व्यूरो के मामलों के लिये मदुरै स्थित विशेष न्यायालय में दिल्ली विशेष पुलिस स्थापना के नियमित मामलों सं. आर.सी. 5(ए)/87-मद्रास, आर.सी. 51(ए)/88-मद्रास, आर.सी. 22(ए)/89-मद्रास, आर.सी. 37(ए) 89-मद्रास और आर.सी. 77(ए)/87-मद्रास में अभियोजन का तथा किसी अन्य न्यायालय में उनसे संसक्त अथवा आनुषंगिक किसी अन्य विषय का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/25/97-एवीडी-II(ii)]

हरि सिंह, प्रवर सचिव

New Delhi, the 10th September, 1997

S.O. 2388.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. M. Anantharajah, Advocate as Special Public Prosecutor for conducting the prosecution of Delhi Special Police Establishment Regular Cases No. RC-5(A)/87-MAS., RC-51(A)/88-MAS, RC-22(A)/89-MAS, RC-37(A)/88-MAS and RC-77(A)/87-MAS in the Special Court for CBI cases at Madurai and any other matter connected therewith or incidental thereto in any other court.

[No. 225/25/97-AVD.II(ii)]
HARI SINGH, Under Secy.

आदेश

नई दिल्ली, 12 सितम्बर, 1997

का. आ. 2389.—केन्द्र सरकार, दिल्ली स्पेशल पुलिस संस्थापन अधिनियम 1946 (1946 का 25 वां) के खण्ड 5 संपठित खण्ड 6 के उप-खण्ड (1) द्वारा प्रदत्त शक्तियों का, राजस्थान सरकार के आदेश संख्या एफ-14 (7) गृह/गुप 5/1997 दिनांक 2-6-1997 द्वारा की गई सहमति से प्रयोग करने हुए पुलिस स्टेशन मोती डूंगरी, जयपुर की प्रथम सूचना रिपोर्ट सं. 201/97 के में भारतीय दण्ड संहिता की धारा 304 एवं 201 के अन्तर्गत दर्ज अपराध एवं इस अपराध के संव्यवहार से पैदा हुए अन्य अपराधों के अनुसंधान के लिए दिल्ली स्पेशल पुलिस संस्थापन के सदस्यों की जांच अधिकारिता को सम्पूर्ण राजस्थान राज्य के लिए बढ़ाती है।

[संख्या 228/44/97-ए. वी. डी. II]

हरि सिंह, प्रवर सचिव

S.O. 2389.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Rajasthan accorded vide Home (GR. V) Department Order No. F-14(7) Home Gr. V/97 dated 2-6-1997, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Rajasthan for investigation of the offences punishable under sections 304 and 201 of Indian Penal Code, 1860 (Act No. 45 of 1860) in FIR No. 201/97 registered at Police Station Moti Doongari, District Jaipur, Rajasthan and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/44/97-AVD.II]
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 11 सितम्बर, 1997

का.आ. 2390.—सर्वसाधारण की सूचना के लिये यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा मैसर्स बिबेक हाउसिंग फाइनेंस लि., कारपोरेट कार्यालय सं. 19, श्रुथ कम्प्लेक्स प्रिमरोज रोड, बंगलौर को आयकर अधिनियम की धारा 36(1)(8) के प्रयोजनार्थ आयकर निर्धारण वर्ष 1997-98 से लेकर 1999-2000 तक के लिए एक हाउसिंग फाइनेंस कम्पनी के रूप में अनुमोदित किया जाता है।

2. यह अनुमोदन इस शर्त पर दिया गया है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(8) के उपबन्ध के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10407/फा.सं. 204/46/96-आयकर
नि.-2]

निशि सिंह, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 11th September, 1997

S.O. 2390.—It is notified for general information that M/s. Vibank Housing Finance Ltd., Corporate Office No. 19, Shrutha Complex, Primrose Road, Bangalore, have been approved by the Central Government as a Housing Finance Company for the purposes of Section 36(1)(viii) of the Income-tax Act, 1961, for the assessment years 1997-98 to 1999-2000.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10407/F. No. 204/46/95-ITA.II]
NISHI SINGH, Dy. Secy.

[आयकर महानिदेशक (छूट) का कार्यालय]

कलकत्ता, 5 मई, 1997

आयकर

का.आ. 2391.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (2) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संव” के संवर्ग के अधीन अनुमोदित किया गया है:—

(1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “औद्योगिकी भवन” न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

(4) यदि (1) या (2) या (3) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान त्रिव्या कलाप के बार में प्रतिकूल निष्कर्ष निकाला जायेगा।

संगठन का नाम : इंस्टीट्यूट आफ किडनी डीजिसेस एण्ड रिसर्च सेंटर, बी. जे. मेडिकल कॉलेज सिविल हास्पिटल कैम्पस, अहमदाबाद-380016

यह अधिसूचना दिनांक 1-4-96 से 31-3-98 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1 उपर्युक्त शर्त (1) “संव” जैसा संवर्ग के लिये लागू नहीं होगा।

2 संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करे, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन पत्र की विभाग को प्रस्तुत

करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1714/एफ.सं. म.नि./आ.क. (छूट)/जी.-1/
कल./35(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Office of the Director General of Income Tax (Exemptions)
Calcutta, the 5th May, 1997

INCOME TAX

S.O. 2391.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Association” subject to the following conditions:—

(i) The organisation shall maintain separate books of accounts for its research activities;

(ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;

(iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director for Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of the research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

(iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

NAME OF THE ORGANISATION

Institute of Kidney Diseases & Research,
Centre, B. J. Medical College & Civil,
Hospital Campus, Ahmedabad-380016.

This Notification is effective for the period from 1-4-96 to 31-3-98.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1714/F. No. DG/IT(E)/G-1/CAL/35(1)(ii)]
MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 4 जून, 1997

आयकर

का.आ. 2392.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

(1) संगठन अनुसंधान कार्यों के लिये अलग सेखा-बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रीयोगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

(4) यदि (1) या (2) या (3) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जायेगा।

संगठन का नाम : संगीत रिसर्च एकाडेमी , 1, नेताजी सुभाष चन्द्र बोस रोड, टालीगंज, कलकत्ता-700040

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1 उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2 संगठन को सूझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र को छः प्रतियां अनुमोदन की अवधि बढ़ाने के

लिये सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1716 (एफ.सं. म.नि./आ.क.
(छूट)/डब्ल्यू.बी. 27/कल/35(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 4th June, 1997

INCOME TAX

S.O. 2392.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

(i) The organisation shall maintain separate books of accounts for its research activities;

(ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;

(iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

(iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

NAME OF ORGANISATION

Sangeet Research Academy,
1, Netaji Subhas Chandra Bose Road,
Tollygunge, Calcutta-700040.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes.—(1) Condition (i) above will not apply to organisations, categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1716 F. No. DG/ITE/WB-27/CAL/35(1)(ii)]
MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 16 जून, 1997

आयकर

का.आ. 2393—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन की आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (2) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है:—

(1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

(4) यदि (1) या (2) या (3) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया-कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जायेगा।

संगठन का नाम : श्री अरविंद इंस्टीट्यूट आफ एप्लाइड साइंटिफिक रिसर्च ट्रस्ट, एकादमी हाउस 34, भोरावादी सेंटर, पदमीनी नगर पांडीचेरी-605012

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें,

अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र को छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1717/फा.सं. म.नि./आ.क.]

(छूट)/पण्डी-2/35(1)(ii)/89-अ.क. (छूट)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 16th June, 1997

INCOME TAX

S.O. 2393.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

(i) The organisation shall maintain separate books of accounts for its research activities;

(ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;

(iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

(iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), advance conclusion may be drawn as to the genuineness of Research Activities carried on.

NAME OF ORGANISATION

Sri Aurobindo Institute of Applied Scientific Research Trust, Academy, House. 34, Maravadi St., Padmini Nagar, Pondicherry-605012.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1717 F. No DG/IT/(E)/Pondy-2/35(1)(ii)/89-IT(E)]
MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 18 जून, 1997

आयकर

का०आ० 2394 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निर्मललिखित संगठन की आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संघ” के संघर्ष के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमिष किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिमाब को भी प्रस्तुत करेगा।
- (iv) यदि (i) या (ii) या (iii) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया-कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा।

संगठन का नाम : खुराकीवाला फाउण्डेशन, बी०एफ०एफ०/2
दिलखुश इण्डस्ट्रियल इस्टेट, जी०टी०
कनारो रोड, दिल्ली-110033।

यह अधिसूचना दिनांक 1-4-96 से 31-3-98 तक की, अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) “संघ” जैसा संघर्ष के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवे-

दन की पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा करने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट), कलकत्ता को देना।

[संख्या 1718/एफ०सं०म०नि०/आ०क० (छूट)/एन०डी०
117/35(1)(ii)]

मुकुण कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 18th June, 1997

INCOME TAX

S.O. 2394.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Association” subject to the following conditions :—

- (i) The organisation shall maintain separate books of accounts for its research activities;
- (ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.
- (iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

NAME OF ORGANISATION

Khorakiwala, Foundation,

BFF/2, Dilkush Industrial Estate,
G. T. Karnal Road,
Delhi-110033.

This Notification is effective for the period from 1-4-96 to 31-3-98.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions). Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the same application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research and the date of submission to the Secretary, Department

of Scientific and Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income-tax (Exemptions), Calcutta.

[No. 1718 F. No. DG/IT(E)/ND-117/35(1)(ii)]
MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 18 जून, 1997

आयकर

का. आ. 2395.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।
- (iv) यदि (i) या (ii) या (iii) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा।

संगठन का नाम : दी साउथ इंडिया टेक्स्टाइल रिसर्च एसोसिएशन पी.बी.न.-3205, कोयम्बाटोर एरोड्रोम पी.ओ. कोयम्बाटोर-641014

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से

आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा करने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट), कलकत्ता को देगा।

[संख्या 1719/एफ.सं.म.नि./आ.क. (छूट)/टी.एन.
36/कल/35(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 18th June, 1997

INCOME TAX

S.O. 2395.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- (i) The organisation shall maintain separate books of accounts for its research activities;
- (ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.
- (iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions) adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

NAME OF ORGANISATION

The South India Textile Research Association.
P. B. No. 3205,

Coimbatore Aerodrome P.O. Coimbatore-641 014.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of approval, to the Director General of Income-Tax (Exemptions), Calcutta through the Commr of Income-tax/Director of Income Tax (P) having jurisdiction over the organ

copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research and the date of submission to the Secretary, Department of Scientific and Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income-tax (Exemptions), Calcutta.

[No. 1719 F. No. DG/IT(E)/TN-36/CAL/35(1)(ii)]
MUKESH KUMAR, Addl. Director of Income Tax

कलकत्ता, 18 जून, 1997

आयकर

का.आ. 2396.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।
- (iv) यदि (1) या (2) या (3) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा।

संगठन का नाम : साइजोफ़ेनिया रिसर्च फाउंडेशन (इंडिया)
सी.-46, 13वीं स्ट्रीट, ईस्ट अन्ना नगर,
चेन्नई-600102।

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से

आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा करने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट), कलकत्ता को देगा।

[संख्या 1720/एफ.सं. म. नि./आ.क. (छूट)/टी.एन.-
48/35(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 18th June, 1997

INCOME TAX

S.O. 2396.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation shall maintain separate books of accounts for its research activities;
- (ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It shall submit to the (a) Director General of Income-Tax (Exemption), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

(iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research activities carried on.

Name of the Organisation :

Schizophrenia Research Foundation (India).
C-46, 13th Street,
East Anna Nagar,
Chennai-600102.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the same application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research and the date of submission to the Secretary, Department of Scientific & Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income-tax (Exemptions), Calcutta.

[No. 1720/F. No. DG/IT(E)/TN-48/35(i)(ii)]
MUKESH KUMAR, Addl. Director of Income Tax
(Exemptions)

कलकत्ता, 18 जून, 1997

आयकर

कां.आ. 2397.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संघर्ग के अधीन अनुमोदित किया गया है—

(i) संगठन अनुसंधान कार्यों के लिए अलग-अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग)

आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दो गई रिमार्क किया गया संबंधित छूट के बारे में लेखा-परीक्षित आगत-व्यय हिसाब को भी प्रस्तुत करेगा।

(iv) यदि (i) या (ii) या (iii) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा।

संगठन का नाम : इंडियन नेशनल साइंस एकाडमी, बहापुर
शाह जफर मार्ग, नई दिल्ली-110002।

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

टिप्पणी . 1. उपर्युक्त शर्त (i) "संघ" जैसा संघर्ग के लिए लागू नहीं होगा।

2. संगठन को सूझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छ प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजेगा है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा करने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट), कलकत्ता, को देगा।

[संख्या 1721/एफ.सं.सं.नि/आ.कं. (छूट)/एन.डी.-
76/कल. 35(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 18th June, 1997

INCOME-TAX

S.O. 2397.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :

(i) The organisation shall maintain separate books of accounts for its research activities;

कलकत्ता, 18 जून, 1997

आयकर

(ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.

(iii) It shall submit to the (a) Director General of Income-Tax (Exemption), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

(iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

Name of the Organisation :

Indian National Science Academy,
Bahadur Shah Zafar Marg,
New Delhi-110002.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the same application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research and the date of submission to the Secretary, Department of Scientific & Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income-tax (Exemptions), Calcutta.

721/F. No. DG|IT(E)|ND-76|CAL/35
(1)(ii)]

* R. Addl. Director of Income Tax
(Exemptions)

कां०आ० 2398.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अनग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षी वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट) (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षी आय-व्यय हिमाव को भी प्रस्तुत करेगा।

(iv) यदि (i) या (ii) या (iii) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा।

संगठन का नाम : टाटा एनर्जी रिसर्च इंस्टीच्यूट इंडिया
हबीटेड सेंटर, हबीटेड प्लेस, इंस्टीच्यूटनल
एरिया, सोदी रोड, नई दिल्ली-110003

यह अधिसूचना दिनांक 1-4-97 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सूझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उम

आवेदन पत्र की छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा करने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट), कलकत्ता को देना।

[संख्या 1722/एफ०सं०मॉन०/आ०क० (छूट)/एन०डी०-82/35(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 18th June, 1997

INCOME-TAX

S.O. 2398.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation shall maintain separate books of accounts for its research activities;
- (ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.
- (iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

Name of the Organisation:—Tata Energy Research Institute, India, Habitat Centre, Habitat Place Institutional Area, Lodi Road, New Delhi-110003.

This Notification is effective for the period from 1-4-97 to 31-3-98.

Notes:—

- (1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the same application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research and the date of submission to the Secretary, Department of Scientific & Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income tax (Exemptions), Calcutta.

[No. 1722|F. No. DG|IT(E)|ND-82|Cal|35(i)(ii)]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions).

कलकत्ता, 26 जून 1997

आयकर

का०आ०2399.—सर्वसाधारण को पत्रद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियाँ रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब की भी प्रस्तुत करेगा।
- (iv) यदि (i) या (ii) या (iii) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान प्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा।

संगठन का नाम : इंडियन स्टैडीस्टीकल इंस्टीट्यूट, 203, बी०टी० रोड, कलकत्ता-700035।

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

नियम 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र में विभाग को प्रस्तुत करना है। उस आवेदनपत्र की छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजनी है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा कराने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट), कलकत्ता, को देना।

[संख्या 1723 /एफ.०.सं.मं.नं./आ.कं. (छूट) इट्यू.० बी०-4035(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 26th June, 1997

INCOME-TAX

S.O. 2399.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation shall maintain separate books of accounts for its research activities;
- (ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax [Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

(iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

Name of the Organisation.—Indian Statistical Institute,

203, B.T. Road,

Calcutta-700035.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes:—

- (1) Condition (i) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax [Director of Income Tax (Exemptions) having jurisdiction over the organisation Six copies of the same application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research and the date of submission to the Secretary, Department of Scientific & Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income-tax (Exemptions), Calcutta.

[No. 1273/F. No. DG/IT(E).WB-40/35(i)(ii)]
MIKESH KUMAR, Addl. Director of Income Tax.
(Exemptions)

कलकत्ता, 26 जून, 1997

आयकर

का. आ. 2400.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के लिए आयकर निवृत्ति के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियाँ रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

Calcutta, the 26th June, 1997

INCOME-TAX

S.O. 2400.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- (i) The organisation shall maintain separate books of accounts for its research activities ;
- (ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ;
- (iii) It shall submit to the (a) Director General of Income Tax (Exemptions) (b) Secretary Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax [Director of Income-tax (Exemptions)], having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.
- (iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

NAME OF THE ORGANISATION

Vision Research Foundation,
(Sankara Nethralaya),
18, College Road, Madras-600006.

This Notification is effective for the period from 1st April, 1997 to 31st March, 2000.

Notes :

- (1) Condition (i) above will not apply to organisations categorised as associations.

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

(iv) यदि (i) या (ii) या (iii) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा ।

संगठन का नाम :

वीजन रिसर्च फाउण्डेशन (संकरा नेथ्रालय)
18, कॉलेज रोड, मद्रास-600006

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : उल्लिखित शर्तें (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता की तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदनपत्र की विभाग को प्रस्तुत करना है । उस आवेदन पत्र छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा करने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) कलकत्ता को देना ।

[संख्या : 1724 एफ. सं. म. नि./आ.क. (छूट)
टी. एन.-3/35(1) (ii)]

मुकुण्ड कुमार, अपर निदेशक आयकर (छूट)

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the same application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research and the date of submission to the Secretary, Department of Scientific & Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income-tax (Exemptions), Calcutta.

[No. 1724/F. No. DG/IT(E)/TN-3/Cal/35(1)(ii)]
MUKESH KUMAR, Addl. Director of Income-Tax
(Exemptions)

कलकत्ता, 30 जून, 1997

आयकर

का.आ. 2401.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिक भवन” न्यू महरली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष 3 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

(iv) यदि (i) या (ii) या (iii) निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट) के समक्ष पेश नहीं होता है तो जारी अनुसंधान क्रिया कलाप के बारे में प्रतिकूल निष्कर्ष निकाला जाएगा।

संगठन का नाम :

डी सुगर टेक्नोलॉजीस्ट्स एंसासिशन ऑफ इंडिया
21, कम्प्यूनिटी सेन्ट्र ईस्ट ऑफ कैलास,
नई दिल्ली-110065

यह अधिसूचना दिनांक 1-4-94 से 31-3-97 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) “संव” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करता है। उस आवेदन पत्र छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है और वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के सचिव के पास जमा करने की तिथि की सूचना निर्धारित प्राधिकारी अर्थात् आयकर महानिदेशक (छूट), कलकत्ता, को देगा।

[संख्या : 1725 एफ. सं. म. नि.आ.क. (छूट) एन.डी-127/
35(1)(ii)]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th June, 1997

INCOME-TAX

S.O. 2401.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions :—

- (i) The organisation shall maintain separate books of accounts for its research activities;

- (ii) It shall furnish the Annual Return of the scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 11 सितम्बर, 1997

- (iii) It shall submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

- (iv) If either (i) or (ii) or (iii) are not filed before the Prescribed Authority i.e. the Director General of Income-tax (Exemptions), adverse conclusion may be drawn as to the genuineness of Research Activities carried on.

Name of the Organisation.—The Sugar Technologists Association of India, 21, Community Centre, East of Kailash, New Delhi-110065.

This Notification is effective for the period from 1-4-94 to 31-3-97.

Notes:

- (1) Condition (i) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the same application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research and the date of submission to the Secretary, Department of Scientific & Industrial Research shall be communicated to the Prescribed Authority i.e. Director General of Income-tax (Exemptions), Calcutta.

[No. 1725/F. No. DG/IT(E)/ND-127/CAL/35/(1)(ii)]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

का.आ. 2402.—भारतीय रिजर्व बैंक अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उप-धारा 1 के उपबंध, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 31 मार्च, 1999 तक की अवधि के लिए दि फैजाबाद सहकारी जिला बैंक लि., फैजाबाद (उ.प्र.) पर लागू नहीं होंगे।

[सं. एफ. 1(22)/97-ए सी]

एम.के. ठाकुर, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 11th September, 1997

S.O. 2402.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-Section 1 of Section 11 of the said Act shall not apply to the Faizabad Sahakar Jila Bank Ltd., Faizabad (U.P.) from the date of publication of this notification in the official Gazette to 31st March, 1999.

[No. 1(22)/97-AC]

S. K. THAKUR, Under Secy.

वाणिज्य मंत्रालय

विदेश व्यापार महानिदेशालय

आदेश

नई दिल्ली, 5 सितम्बर, 1997

का.आ. 2403.—मैमर्स एमको इंडिया लि. मुल्तानी डांडा, पहाड़गंज, नई दिल्ली-110005 को सिक्के द्वारा परिचालित वीडियो गेम्स (यूज्ड) उनके साथ संलग्न सूची के अनुसार, के आयात हेतु 42,70,250- रुपये (ब्यासीस लाख सत्तर हजार और दो सौ पचास रुपये मात्र) मूल्य का सी सी पी नं. पी/ज/3094597, दिनांक 19-5-97 जारी किया गया था।

फर्म ने उपर्युक्त सीसीपी का डुप्लीकेट सीसीपी जारी करने हेतु इस आधार पर आवेदन किया है कि उसकी भेजा गया मूल सीसीपी रास्ते में गुम हो गया था और

उन्हें प्राप्त नहीं हुआ। इसके पत्रावा यह बताया गया है कि सीसीपी किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं किया गया था तथा सीसीपी के मूल्य का बिल्कुल भी इस्तेमाल नहीं किया गया था।

2. अपने कथन के समर्थन में लाइसेंसधारक ने 9-7-97 को नोटरी पब्लिक, आसफ अली रोड, नई दिल्ली के समक्ष बाकायदा शपथ लेकर स्टाम्प पेपर पर हलफनामा दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि उनको जारी किया गया मूल सीसीपी सं. पी/जे/3094597, दिनांक 19-5-97 गुम या अस्थानस्थ हो गया है। विदेश व्यापार महानिदेशालय, नई दिल्ली द्वारा जारी सांविधिक आदेश संख्या 1060(ई) दिनांक 31-12-93 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्द्वारा, मैसर्स एमको इंडिया को जारी सीसीपी संख्या पी/जे 3094597 दिनांक 19-5-97 को रद्द करता हूँ।

3. उपर्युक्त सीसीपी की डुप्लीकेट सीसीपी प्रति पक्षकार को अलग से जारी की जा रही है।

[फा. सं. एसपीएल/एनएम/123/ए.एम. 98/एसएलएस]

सोहन चंद, विदेश व्यापार विकास अधिकारी

MINISTRY OF COMMERCE

DIRECTORATE GENERAL OF FOREIGN TRADE ORDER

New Delhi, the 5th September, 1997

S.O. 2403.—M/s. Ammco India, 9446/10, Multani Dhanda, Paharganj, New Delhi-110005 were granted a CCP NO. P/J/3094597, dated 19-5-1997 for Rs. 42,70,250 (Rupees Forty Two Lakhs Seventy Thousand and Two Hundred Fifty only) for import of Coin operated Video Games (Used) as per list attached thereto.

The firm has applied for issue of Duplicate CCP of the above mentioned CCP on the ground that the original CCP sent to them was lost in transit and not received by them. It has further been stated that the CCP was not registered with any Customs Authority and as such the value of CCP has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Asaf Ali Road, New Delhi on 9-7-1997. I am accordingly satisfied that the original CCP No. P/J/3094597, dated 19-5-1997 issued to them has been lost or misplaced. In exercise of the powers conferred on me under order S. O. 1060(E), dated 31-12-1993 issued by DGFT, New Delhi, CCP No. P/J/3094597, dated 19-5-1997 issued to M/s. Ammco India is hereby cancelled.

3. Duplicate CCP of the said CCP is being issued to the party separately.

[F. No. SPL/NS/123/AM. 98/SLS]

SOHAN CHAND, Foreign Trade Development Officer.

नई दिल्ली, 8 सितम्बर, 1997

का.आ. 2404.—नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैसर्स इटालेब (गोआ) प्रा. लि., 6-52/6, समर श्री डेरेबाइल कोडीकल, पोस्ट अशोक नगर, मंगलूर-575006 को खनिज तथा अयस्क (ग्रुप-I) केवल कच्चे अयस्क के निर्यात से पूर्व निरीक्षण के लिये वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20-12-1965 में दी गई अनुसूची के अनुसार 7-7-1997 से प्रभावी और तीन वर्ष की अवधि के लिये एक अधिकारण के रूप में निम्नलिखित शर्तों के अधीन मान्यता देती है, अर्थात्:—

(1) मैसर्स इटालेब (गोआ) प्रा. लि., पोस्ट अशोक नगर, मंगलूर नियति निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच के लिये पर्याप्त सुविधायें उपलब्ध करवायेगी ताकि निरीक्षण नियम, 1965 के नियम 4 के अन्तर्गत खनिज तथा अयस्क (ग्रुप-I) के निरीक्षण के लिये प्रमाण पत्र दिया जा सके।

(3) मैसर्स इटालेब (गोआ) प्रा. लि., पोस्ट अशोक नगर, मंगलूर इस अधिसूचना के अन्तर्गत अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो समय-समय पर निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) लिखित में देंगे।

[फाइल सं. 5/23/97-ई आई एंड, ई पी]

कुमारी सुमा सुब्रह्मणा, निदेशक

New Delhi, the 8th September, 1997

S.O. 2404.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from 7-7-1997, M/s. Italab (Goa) Pvt. Ltd., 6-52/6, Samarashree, Derebail, Kodikal, Post Ashok Nagar, Mangalore-575006, as an agency for the inspection of Minerals and Ores (Group-I) for iron ore, specified in Schedule annexed to Ministry of Commerce Notification No. S. O. 3975, dated 20-12-1965, prior to export, subject to the following conditions, namely:—

(i) that M/s. Italab (Goa) Pvt. Ltd., Post Ashok Nagar, Mangalore shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under Rule 4 of Export of Minerals and Ore (Group-I), Inspection Rules, 1965;

(ii) that M/s. Italab (Goa) Pvt. Ltd., Post Ashok Nagar, Mangalore in the performance of their function under this notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time.

[File No. 5/23/97-E-14-EP]

KUM. SUMA SUBBANNA, Director.

विदेश मंत्रालय

नई दिल्ली, 8 सितम्बर, 1997

का. आ. 2405.—राजनयिक कौंसली अधिकारी (अपय एवम् शुल्क) अधिनियम 1948 (1948 का 41वाँ) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास रियाध में सहायक श्री के. डी.

रॉय और श्री कुलभुषण को 2 सितम्बर, 1997 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/2/96]

बी. महालिंगम, अवर सचिव (पी. बी. एस.)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 8th September, 1997

S.O. 2405.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri K. D. Roy and Kulbhushan, Assistant in the Embassy of India Riyadh to perform the duties of Asst. Consular Officer with effect from 2-9-1997.

[No. T-4330/2/96]

V. MAHALINGAM, Under Secy. (Consular)

खाद्य और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 11 सितम्बर, 1997

का.आ. 2406.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उम्मे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, के डब्ल्यू-300सिरीज के और "पाकेरा" सिरीज ग्रांड नाम वाले स्वचालित तोलन और थैली बंद करने वाली मशीन के माडल का है (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स पाकारो 34 कोकातें बिस्विन, भोसले नगर, पुणे-411007, महाराष्ट्र राज्य द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/96/57 समनुदिष्ट किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।



"पाकेरा" मेक तुलन मशीन

तुलन-पान स्केल के ऊपर है और पान तथा तोल (टेगर-नोल) के अनुसार

माकल (पाकृति देखिए) एक इलैक्ट्रो-यांत्रिक स्वचालित तोलन और पैकी बंद करने वाली मशीन है। यह स्थिरांक गिरक अधीन गुणवत्ता भरण के सिद्धांत पर कार्य करती है। तोलन मशीन की संक्रिया लीवर सिद्धांत पर आधारित है। तोलन पान के ऊपर नियत फुदक में सामग्री संचित की जाती है। पान पर पैकेज के भार के समान मानक भार रखा जाता है। फुट स्विच (माइक्रो स्विच) चालू कर दिया जाता है जो फुदक के नीचे कोर्स और फाइन फीड वाल्वों को प्रवर्त करता है जिससे किसी पूर्व-निर्धारित मात्रा के लिए भार पान में सामग्री डिस्पेंस की जाती है। मशीन को 0.5% की यथार्थता पर 500 ग्राम और 10 किलोग्राम के बीच कोई मात्रा प्रदत्त करने के लिए ठीक किया जा सकता है। मशीन निर्गम 250 से 400 पाउंच प्रति घंटा है। मशीन को मुक्त बहाव वाले पाउंडर और दानेदार जैसे चाय, चीनी, बीज दालें आदि को भरने की डिजाइन में बनाया गया है। यह मशीन 3 फेज 400-440 वोल्ट के प्रत्यावर्ती धारा विद्युत् प्रदाय पर या 1 फेज 220 वोल्ट 50 हर्ट्ज आवृत्ति के प्रत्यावर्ती धारा विद्युत् पर कार्य करती है।

[फा. सं. डब्ल्यू एम 21(83)/95]

राजीव श्रीवास्तव, संयुक्त सचिव

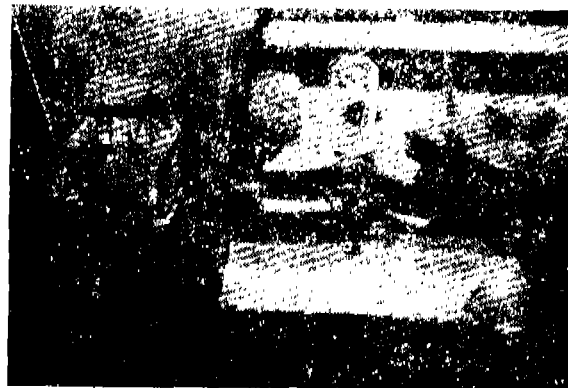
MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 11th September, 1997

S.O. 2406.—Whereas, the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the automatic weighing and bagging machine of PKW-300 series and with brand name "PACKERA" series, (hereinafter referred to as the Model) manufactured by M/s. Packera 34, Kokate Building, Bhosalenagar, Pune-411007, Maharashtra State, and which is assigned the approval mark IND/09/96/57;



(figure)

'PACKERA' make Weighing Machine
Weigh-pan is fitted on scale and pan-weight
(tare weight) is adjusted

The Model (see figure) is an electro-mechanical automatic weighing and bagging machine. It works on the principle of gravity feed under constant head. The operations of weighing machines is based on lever principle. The material is stored in the hopper fixed above the weighing pan. The standard weight equivalent to the weight of the package is kept on the pan. The foot switch (micro switch) is released which actuates the coarse and fine feed valves below the hopper so as to dispense the material into the weight pan for a pre-determined quantity. The machine can be adjusted to deliver any quantity between 500g and 10kg, to an accuracy of 0.5%. The machine out put is 250 to 400 pouches per hour. The machine is designed for filling free flowing powders and granules like tea, sugar, seeds pulses etc. The machine works on 3 phase alternate current electrical power supply at 400-440 volts or single phase 220 volt alternate current at 50 Hertz frequency.

[F. No. WM 21(83)/95]

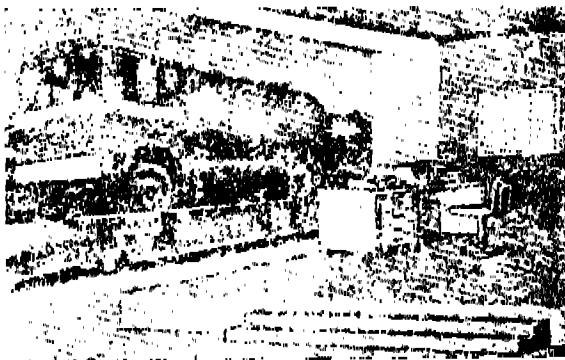
RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 11 सितम्बर, 1997

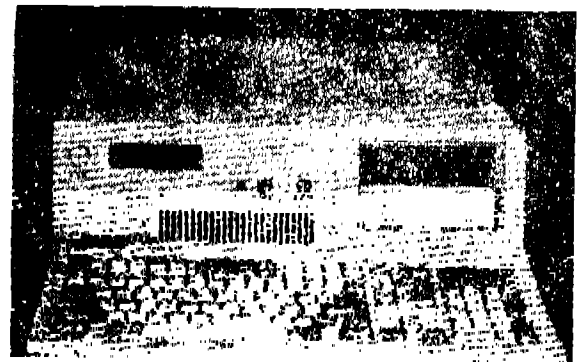
का०आ० 2407.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति) देखिए) पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग III की ईएसएस डब्ल्यू सिरीज टाइप के "फ्लाईंग ईगल ब्रांड" नाम वाले स्वतः मूचक और गैर-स्वचालित इलेक्ट्रॉनिकस तुला चोकी के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स ईगल स्केल मैन्युफैक्चरिंग, वर्क्स, शेड सं. सी-1/बी-3, प्लॉट नं. 155/156, जी आई डी सी एस्टेट, नरोदा, अहमदाबाद-382330 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई. एन. डी./09/96/74 समनुदिष्ट किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है जिसकी अधिकतम क्षमता 3000 किलोग्राम और न्यूनतम क्षमता 20 किलोग्राम है। सत्यापन मापमान अन्तर (ई) 1 किलोग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण प्रभाव 100 प्रतिशत है। भारग्राही वर्गाकार सैक्शन का है जिसका आकार 1500×1500 मिलीमीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वो 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत् प्रदाय पर प्रचालित होता है।



(आकृति)



ईगल स्केल मैन्युफैक्चरिंग वर्क्स

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 1 टन/0.5 किलोग्राम, 2 टन/0.5 किलोग्राम, 5 टन/2 किलोग्राम, 10 टन/5 किलोग्राम, 15 टन/5 किलोग्राम, 20 टन/5 किलोग्राम, 25 टन/5 किलोग्राम, 30 टन/5 किलोग्राम, 40 टन/10 किलोग्राम, 50 टन/10 किलोग्राम, 60 टन/20 किलोग्राम, और 100 टन/20 किलोग्राम अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

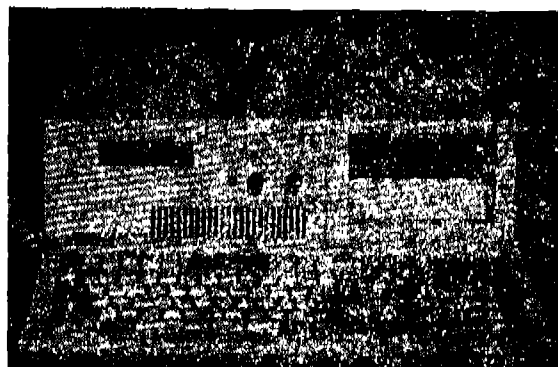
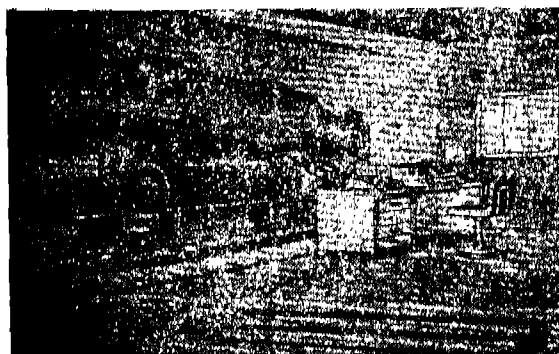
New Delhi, the 11th September, 1997

S.O. 2407.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Welfare and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic weighbridge of type ESMW

series of class III (medium) accuracy with brand name "FLYING EAGLE BRAND" (hereinafter referred to as the Model) manufactured by M/s. Eagle Scale Manufacturing Works, Shed No. C-1/B-3, Plot No. 155/156, GIDC, Naroda, Ahmedabad-382330, and which is assigned the approval mark IND/09/96/74;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 3000kg and minimum capacity of 20 kg. The verification scale interval (e) is 1 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of size 1500×1500 millimetre. The Light Emitting Diodes display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Eagle Scale Mfg. Works

(figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 1t/0.5 kg. 2t/0.5 kg. 8t/2 kg., 10t/5 kg. 13t/5 kg. 20t/5 kg. 25t/5 kg.

30t/5 kg. 40t/10 kg. 50t/10 kg. 60t/20 kg. and 100t/20 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[No. WM 21(57)/95]

RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 16 सितम्बर, 1997

क्र. मा. 2408.—केन्द्रीय सरकार, बाट और माप मापक अधिनियम, 1976 (1976 का 60) की धारा 36 की उपधारा (7) और (13) द्वारा

प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि भारत सरकार के नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना सं. 395 तारीख 30 जनवरी, 1997 द्वारा प्रकाशित अनुमोदन के प्रमाणपत्र के अन्तर्गत उसी विनिर्माता द्वारा

उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री में, जिससे अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित समरूप मेक, यथार्थता और कार्यकरण वाले निम्नलिखित तोलन उपकरण भी है और उस प्रयोजन के लिए उक्त अधिसूचना के हिन्दी पाठ में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के पैरा 4 में, “और 1000 किलोग्राम/100 ग्राम” शब्दों और श्रंकों के पश्चात् निम्नलिखित रखा जाएगा, अर्थात् :—

“60 किलोग्राम/5 ग्राम, 100 किलोग्राम/5 ग्राम या 20 ग्राम, 150 किलोग्राम/5 ग्राम या 20 ग्राम, 120 किलोग्राम/10 ग्राम, 200 किलोग्राम/10 ग्राम, 300 किलोग्राम/20 ग्राम, 500 किलोग्राम/100 ग्राम, 600 किलोग्राम/30 ग्राम, 1500 किलोग्राम/100 ग्राम और 2000 किलोग्राम/100 ग्राम”

[फा. सं. डब्ल्यू.एम. 21 (31)/93]

राजीव श्रीवास्तव, संयुक्त सचिव

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumers Affairs)

New Delhi, the 16th September, 1997

S.O. 2408.—In exercise of the powers conferred by sub-section (7) and (12) of section 36 of the Standards of Weights and Measures Act 1976 (60 of 1976), the Central Government hereby declares that the certificate of approval published vide the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution number S.O. 395 dated the 30th January, 1997, shall also cover the following weighing instrument of similar make, accuracy and performance manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured and for that purpose makes the following amendment in the said notification, namely :—

In the said notification, in paragraph 4, after the words and figure “and 1000 kg/100 g.” the following shall be inserted, namely :—

“60kg/5g, 100kg/5g or 20g, 150kg/5g or 20g, 120kg/10g, 200kg/10g, 300kg/20g, 500kg/100g, 600kg/50g, 1500 kg/100 g and 2000 kg/100 g.

[File No. WM-21(31)/95]

RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 16 सितम्बर, 1997

का. आ. 2409 :—केन्द्रीय सरकार, बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 36 की उपधारा (7) और (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि भारत सरकार के नागरिक प्रति, उपभोक्ता मामले और मार्बजनिफ वितरण मंत्रालय की अधिसूचना सं. 394 तारीख 30 जनवरी, 1997 द्वारा प्रकाशित अनुमोदन के

प्रमाण पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री में, जिससे अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित समरूप मेक, यथार्थता और कार्यकरण वाले निम्नलिखित तोलन उपकरण भी है और उस प्रयोजन के लिए उक्त अधिसूचना के हिन्दी पाठ में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के पैरा 4 में,

“और 30 किलोग्राम/5 ग्राम” शब्द और श्रंकों के पश्चात् निम्नलिखित रखा जाएगा, अर्थात् :—

“500 ग्राम/50 मिलोग्राम, 5 किलोग्राम/1 ग्राम, 10 किलोग्राम/2 ग्राम, 12 किलोग्राम/2 ग्राम, 15 किलोग्राम/1 ग्राम, 20 किलोग्राम/1 ग्राम, 25 किलोग्राम/5 ग्राम, 30 किलोग्राम/2 ग्राम और 50 किलोग्राम/5 ग्राम”।

[फा. सं. डब्ल्यू.एम. 21 (31)/95]

राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 16th September, 1997

S.O. 2409.—In exercise of the powers conferred by sub-section (7) and (12) of section 36 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby declares that the certificate of approval published vide the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution number S.O. 394 dated the 30th January, 1997, shall also cover the following weighing instrument of similar make, accuracy and performance manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured and for that purpose makes the following amendment in the said notification, namely :—

In the said notification, in paragraph 4, after the words and figure “and 30 kg/5g.” the following shall be inserted, namely :—

“500g/50mg, 5kg/1g, 10kg/1g, 10kg/2g, 12kg/2g, 15kg/1g, 20kg/1g, 25kg/5g, 30kg/2g, and 50kg/5g”.

[File No. WM 21(31)95]

RAJIV SRIVASTAVA, Jt. Secy.

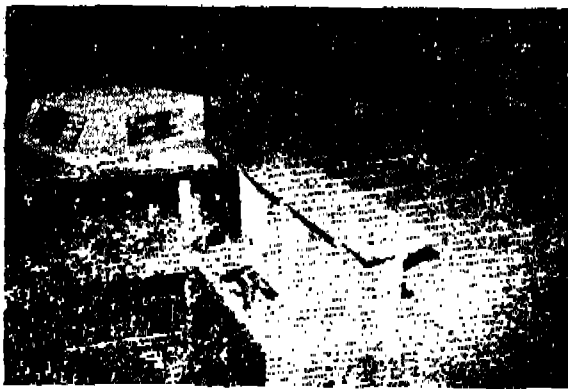
नई दिल्ली, 11 सितम्बर, 1997

का. आ. 2410 :—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत कि गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (मध्यम यथार्थता) बर्ग III की “एन सी आई जी ओ. ए. एन. सी. जी.” सिरीज टाइप के “एन. सी.

आई. जी. ओ. ए. एन. सी. जी. ब्रांड नाम वाले स्वतः सूचक गैप-स्वचालित तुला चौकी माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मेसर्स नेशनल कंट्रोल्ल्स लिमिटेड, डी 3/10, कॉरलिम इंडस्ट्रियल ईस्टेट, कॉरलिम, इल्हास, गोवा-403110 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./ 09/96/49 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग iv) का तोलन उपकरण है जिसकी अधिकतम क्षमता 30000 किलोग्राम और न्यूनतम क्षमता 200 किलोग्राम है। स्थापन मापमान अन्तर (ई) 10 किलोग्राम है। इसमें एक टैयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टैयर प्रभाव 100 प्रतिशत है। भार-ग्राही आयताकार संक्लन का है जिसका आकार 3 × 9 मीटर है। 10 मिलीमीटर प्रकाश उत्सर्जन डायोड संप्रदर्शन तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वॉल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत् प्रदाय पर प्रचलित होता है।



(आकृति)

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा रखती है कि माडल के अनुमोदन के इस प्रमाण पत्र अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल विनिर्माण किया गया है विनिर्मित 5 टन/2 किलोग्राम, 0 टन/5 किलोग्राम, 20 टन/5 किलोग्राम, 25 टन/किलोग्राम, 30 टन/5 किलोग्राम, 40 टन/10 किलोग्राम, 0 टन/10 किलोग्राम, 60 टन/10 किलोग्राम, 80 टन,

20 किलोग्राम और 100 टन/20 किलोग्राम की अधिकतम क्षमता वाले समस्त मेक, यथार्थता और उसी मीरीज के कार्यकरण वाले तोलन उपकरण भी है।

[फा. सं. डब्ल्यू. एम. 21 (9) / 95]

राजीव श्रीवास्तव, मयुक्त सचिव

New Delhi, the 11th September, 1997

S.O. 2410.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Mode (see the figure below) described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now therefore, in exercise of the powers conferred by subsection (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic weighbridge of type NCI GOA NCG series of class III [Medium accuracy] with brand name "NCI GOA NCG" (hereinafter referred to as the Model) manufactured by M/s. National Controls Limited, D3/10, Corlim Industrial Estate, Corlim, Ilhas, Goa-403110, and which is assigned the approval mark IND/90/96/49;

The model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30000kg and minimum capacity of 200kg. The verification Scale interval (e) is 10 kilogram. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 3 × 9 metre. The 10 mm LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



(figure)

Further, in exercise of the powers conferred by subsection (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum

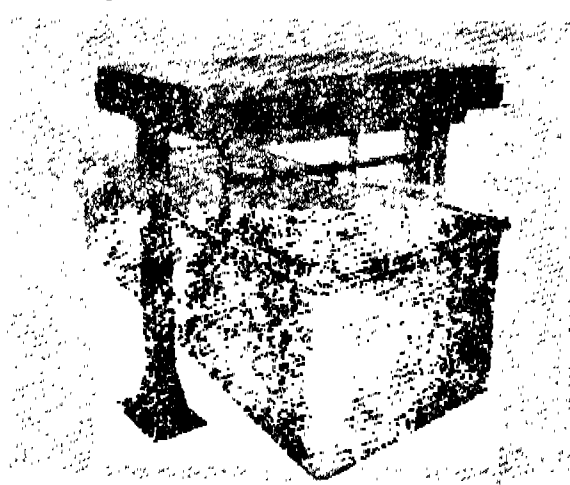
capacity of 5t/2kg, 10t/5kg, 20t/5kg, 25t/5kg, 30t/5kg, 10t/10kg, 20t/10kg, 60t/10kg, 80t/20kg and 100t/20kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(9)/95]
RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 11 सितम्बर, 1997

का. आ. 2411 :—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (मध्यम) यथार्थता वर्ग 3 की एच. एम. डब्ल्यू. मिरीज टाइप के "संसुई" ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित दूध के तोलन के लिए इलेक्ट्रॉनिक तुला-चौकी के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मॅसर्स संसुई इलेक्ट्रॉनिक प्राइवेट लिमिटेड, 89, भवानी पेट, घासेटी पूल, पुणे—411042 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/96/78 समनुविष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है जिसकी अधिकतम क्षमता 500 किलोग्राम और न्यूनतम क्षमता 10 किलोग्राम है। सत्यापन मापमान अन्तर (ई) 500 ग्राम है। इसमें

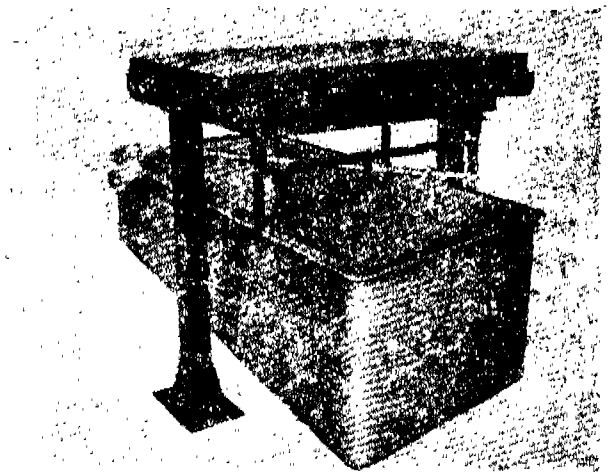
एक गैर-स्वचालित है जिसका व्यक्तनात्मक प्रतिधारण टैयर प्रभाव 100 प्रतिशत है। भारग्राही बाऊल सेक्शन का है जिसकी क्षमता 500 लीटर दूध की है। सात खंड प्रकाश उत्सर्जन डायोड संप्रदर्श करता है। यह उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत् प्रदाय पर प्रचालित होता है।

[फा. सं. डब्ल्यू. एम 21 (47)/95]
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 11th September, 1997.

S.O. 2411.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic weighbridge for weighing of Milk of type SMW series of class III (medium) accuracy with brand name "SANSUI" (hereinafter referred to as the Model) manufactured by M/s. Sansui Electronics Pvt. Ltd., 89, Bhavani Peth, Ghaseti Pool, Pune-411042, and which is assigned the approval mark IND/09/96/78;



(figure)

The Model (see figure), is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 500kg and minimum capacity of 10kg. The verification scale interval (e) is 500g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is, of bowl section of to hold 500 litre of milk. The seven segment Light Emitting Diodes display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.

[F. No. WM-21(47)/95]
RAJIV SRIVASTAVA, Jt. Secy.

कोयला संलाखन

नई दिल्ली, 11 मितम्बर, 1997

का.आ. 2412.—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्य किए जाने की संभावना है ;

अतः, अब केन्द्रीय सरकार कोयला धारक क्षेत्र (अखन और विकास) अधिनियम 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं. दुब/एलए/ई/95/1, तारीख 12 जुलाई 1995 का निरीक्षण निवेशक (तकनोक). ईस्टर्न कोलफील्ड्स लि., संकटोरिया, डाकखाना दिशेरगढ़ जिला बर्द्धमान (पश्चिमी बंगाल) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता (पश्चिमी बंगाल) के 700001 के कार्यालय में प्रवेश किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निदिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में, प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष, (राजस्व), ईस्टर्न कोलफील्ड्स लि., संकटोरिया, डाकखाना, दिशेरगढ़ जिला-बर्द्धमान पश्चिमी बंगाल को भेजेगे।

अनुसूची

रानीगंज कोलफील्ड्स

दुदश्वरी कोलियरी

सौदपुर क्षेत्र

रेखांक सं. दुब/एल.एस.ई./95/1, तारीख 12 जुलाई, 1995

(पूर्वक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्रम सं.	मौजे का नाम (ग्राम)	अधिकारिता सूची सं.	थाना पुलिस स्टेशन	जिला	क्षेत्र हेक्टर में (लगभग)	टिप्पणियां
1.	बुधोवारी	107	नेतुरिया	पुरुलिया	5.46	संपूर्ण
2.	नवावा	108	नेतुरिया	पुरुलिया	20.24	संपूर्ण
3.	खलताधी	109	नेतुरिया	पुरुलिया	61.51	संपूर्ण
4.	बोनरा	105	नेतुरिया	पुरुलिया	208.42	भाग
5.	बारहपाड़ा	106	नेतुरिया	पुरुलिया	27.52	भाग/संपूर्ण
6.	धांगाजोर	101	नेतुरिया	पुरुलिया	109.27	भाग
7.	रणपुर	102	नेतुरिया	पुरुलिया	28.33	भाग
योग :						480.75 हेक्टर (लगभग)

सीमा वर्णन

क—ख

रेखा जो बिन्दु 'क' से भमुरिया (जे.एल.सं. 98) बल्दौर और धांगाजोर (जे.एल.सं. 101) मौजा के बीच त्रिजंकणन बिन्दु है, प्रारंभ होती है और धांगाजोर तथा भमुरिया मौजा की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और बिन्दु 'ख' पर मिलती है।

ख—ग

रेखा बिन्दु 'ख' से प्रारंभ होती है और धांगाजोर (यू.एल.सं. 101) तथा भमुरिया (जे.एल.सं. 98) मौजा की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और धांगाजोर, भमुरिया तथा बोनरा (जे.एल.सं. 105) मौजा के बीच त्रिजंकणन बिन्दु है, बिन्दु 'ग' पर मिलती है।

- ग-घ रेखा बिन्दु 'ग' से आरंभ होती है और बोनारा (जे. एल. सं. 105) तथा भमुरिया मौजा (जे. एल. सं. 98) की सम्मिलित सीमा से होकर उत्तर पश्चिम की ओर जाती है और बोनारा (जे. एल. सं. 105), भमुरिया (जे. एल. सं. 98), तथा बारूईपाड़ा (जे. एल. सं. 106) मौजा के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु 'घ' पर मिलती है।
- घ-ङ रेखा बिन्दु 'घ' से आरम्भ होती है और बारूईपाड़ा (जे. एल. सं. 106) तथा भमुरिया मौजा (जे. एल. सं. 98) की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और बिन्दु 'ङ' पर मिलती है।
- ङ--च रेखा बिन्दु 'ङ' से आरम्भ होती है और बारूईपाड़ा (जे. एल. सं. 106) तथा भमुरिया मौजा (जे. एल. सं. 98) की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और बिन्दु 'च' पर मिलती है।
- च--छ रेखा बिन्दु 'च' से आरम्भ होती है और बारूईपाड़ा (जे. एल. सं. 106) तथा भमुरिया मौजा (जे. एल. सं. 98) की सम्मिलित सीमा से होकर उत्तर की ओर जाती है तथा भमुरिया (जे. एल. सं. 99) बोनारा मौजा (जे. एल. सं. 105) और नवादा (जे. एल. सं. 108) के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु 'छ' पर मिलती है।
- छ--ज रेखा बिन्दु 'छ' से आरम्भ होती है और नवादा (जे. एल. सं. 108) तथा भमुरिया मौजा (जे. एल. सं. 98) की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और नवादा (जे. एल. सं. 108), भमुरिया (जे. एल. सं. 98) तथा कुदीवाड़ी मौजा (जे. एल. सं. 107) के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु 'ज' पर मिलती है।
- ज-झ रेखा बिन्दु 'ज' से आरम्भ होती है और कुदीवाड़ी तथा भमुरिया मौजा की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और कुदीवाड़ी (जे. एल. सं. 107) भमुरिया (जे. एल. सं. 98) तथा नेतुरिया मौजा (जे. एल. सं. 95) के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु 'झ' पर मिलती है।
- झ--ञ रेखा बिन्दु 'झ' से आरम्भ होती है और कुदीवाड़ी (जे. एल. सं. 107) तथा नेतुरिया मौजा (जे. एल. सं. 95) की सम्मिलित सीमा से होकर पश्चिम की ओर जाती है और बिन्दु 'ञ' पर मिलती है।
- ञ--ट रेखा बिन्दु 'ञ' से आरम्भ होती है और कुदीवाड़ी (जे. एल. सं. 107) तथा नेतुरिया मौजा (जे. एल. सं. 95) की सम्मिलित सीमा से होकर दक्षिण की ओर जाती है और बिन्दु 'ट' पर मिलती है।
- ट--ठ रेखा बिन्दु "ट" से आरंभ होती है और सरबरी (जे. एल. सं. 91) तथा नवादा मौजा (जे. एल. सं. 108) की सम्मिलित सीमा से होकर दक्षिण पश्चिम की ओर जाती है और बिन्दु "ठ" पर मिलती है।
- ठ--ड रेखा बिन्दु "ठ" से आरंभ होती है और नवादा (जे. एल. सं. 108) तथा सरबरी मौजा (जे. एल. सं. 91) की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और बिन्दु "ड" पर मिलती है।
- ड--ढ रेखा बिन्दु "ड" से आरंभ होती है और नवादा (जे. एल. सं. 108) तथा सरबरी मौजा (जे. एल. सं. 91) की सम्मिलित सीमा से होकर पश्चिम की ओर जाती है और बिन्दु "ढ" पर मिलती है।
- ढ--ण रेखा बिन्दु "ढ" से आरंभ होती है और नवादा तथा सरबरी मौजा की सम्मिलित सीमा से होकर दक्षिण की ओर जाती है और नवादा (जे. एल. सं. 108), सुलतंड़ी (जे. एल. सं. 109) तथा सरबरी मौजा (जे. एल. सं. 91) के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु "ण" पर मिलती है।
- ण--त रेखा बिन्दु "ण" से आरंभ होती है और सुलतंड़ी (जे. एल. सं. 109) तथा सरबरी मौजा (जे. एल. सं. 91) की सम्मिलित सीमा से होकर पश्चिम की ओर बिन्दु "न" पर मिलती है।

- ख-ग रेखा बिन्दु "त" से आरंभ होती है और मुलतंडी तथा सरबरी मौजा की सम्मिलित सीमा से होकर दक्षिण-पश्चिम की ओर जाती है और सरबरी, मुलतंडी तथा बोरतोरिया मौजा के बीच त्रिजंक्शन बिन्दु है, बिन्दु "ध" पर मिलती है।
- घ-द रेखा बिन्दु "थ" से आरंभ होती है और मुलतंडी तथा बोरतोरिया मौजा की सम्मिलित सीमा से होकर दक्षिण-पूर्व की ओर जाती है और बिन्दु "द" पर मिलती है।
- द-ध रेखा बिन्दु "द" से आरंभ होती है और मुलतंडी तथा बोरतोरिया मौजा की सम्मिलित सीमा से होकर दक्षिण-पूर्व की ओर जाती है और बिन्दु "ध" पर मिलती है।
- ध-न रेखा बिन्दु "ध" से आरंभ होती है और मुलतंडी तथा बोरतोरिया मौजा की सम्मिलित सीमा से होकर दक्षिण-पूर्व की ओर जाती है और बिन्दु "न" पर मिलती है।
- न-प रेखा बिन्दु "न" से आरंभ होती है और मुलतंडी तथा बोरतोरिया मौजा की सम्मिलित सीमा से होकर दक्षिण की ओर जाती है और मुलतंडी, बोरतोरिया तथा बोनरा मौजा के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु "प" पर मिलती है।
- प-फ रेखा बिन्दु "प" से आरंभ होती है और बोनरा तथा बोरतोरिया मौजा की सम्मिलित सीमा से होकर दक्षिण-पश्चिम की ओर जाती है और बोरतोरिया बोनरा तथा बिड़ुईडीह मौजा के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु "फ" पर मिलती है।
- फ-ब रेखा बिन्दु "फ" से आरंभ होती है और बोनरा तथा बिड़ुईडीह मौजा की सम्मिलित सीमा से होकर दक्षिण-पूर्व की ओर जाती है और बोनरा, बिड़ुईडीह तथा गोलडीह मौजा के बीच जो त्रिजंक्शन बिन्दु है, बिन्दु "ब" पर मिलती है।
- ब-भ रेखा बिन्दु "ब" से आरंभ होती है और बोनरा तथा गोलडीह मौजा की सम्मिलित सीमा से होकर उत्तर-पश्चिम की ओर जाती है और बिन्दु "भ" पर मिलती है।
- भ-म रेखा बिन्दु "भ" से आरंभ होती है और बोनरा तथा गोलडीह मौजा की सम्मिलित सीमा से होकर दक्षिण-पूर्व की ओर जाती है और बिन्दु "म" पर मिलती है।
- म-य रेखा बिन्दु "म" से आरंभ होती है और बोनरा तथा गोलडीह मौजा की सम्मिलित सीमा से होकर दक्षिण की ओर जाती है और बिन्दु "य" पर मिलती है।
- य-क रेखा बिन्दु "य" से आरंभ होती है और बोनरा, रणपुर तथा धंगाजीर मौजा से होकर पूर्व की ओर जाती है और धंगाजीर, बालतौर तथा भमुरिया मौजा के बीच जो त्रिजंक्शन बिन्दु है, प्रारंभिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/4/97—एल. एस. डब्ल्यू.]

श्रीमती प्रेम लता सेनी, अवर सचिव

MINISTRY OF COAL

New Delhi. the 11th September, 1997

S. O. 2412 .—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The Plan bearing no. Dub/LSE/95/1 dated the 12th July, 1995 of the area covered by this notification can be inspected in the office of Director (Technical), Eastern Coalfields Limited, Sanctoria, Post Office—Disergarh, District—Burdwan (West Bengal) or in the office of the Coal Controller, 1, Council House Street, Calcutta (West Bengal)—700 001.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of Department (Revenue), Eastern Coalfields Limited, Sanctoria, Post Office—Disergarh, District—Burdwan (West Bengal) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
RANIGANJ COALFIELDS
DUBESWARI COLLIERY
SODEPUR AREA

Drawing No. DUB/LSE/95/1 dated the 12th July, 1995
(Showing land notified for prospecting)

Serial number	Name of Mouza (Village)	Jurisdiction List number	Thana Police Station	District (Zila)	Area in Hectare (approximately)	Remarks
1.	Kuthibari	107	Neturia	Purulia	5.46	Full
2.	Nowada	108	Neturia	Purulia	20.24	Full
3.	Sultandi	109	Neturia	Purulia	61.51	Full
4.	Bonra	105	Neturia	Purulia	208.42	Part
5.	Baruipara	106	Neturia	Purulia	27.52	Full
6.	Dhangajore	101	Neturia	Purulia	109.27	Part
7.	Ranpur	102	Neturia	Purulia	28.33	Part
Total :					460.75 hectares (approximately)	

Boundary Description :

- A—B Line starts from point 'A' being Trijunction point between mouza Bhamur (J.L. No. 98), Baltore and Dhangajore (JL No. 101) and passes North-west ward through common boundary of Mouza Dhangajore and Bhamuria and meets at point 'B'.
- B—C Line starts from point 'B' and passes North-West Ward through common boundary of Mouza Dhangajore (JL No. 101) and Bhamuria (JL No. 98) and meets at point 'C' being Trijunction point between Mouza Dhangajore, Bhamuria & Bonra (JL No. 105).
- C—D Line starts from point 'C' and passes North-West ward through common boundary of Mouza Bonra (JL No. 105) and Bhamuria (JL No. 98) and meets at point 'D' being the Trijunction point between Mouza Bonra (JL No. 105) Bhamuria (JL No. 98) and Baruipara (JL No. 106).
- D—E Line starts from point 'D' and passes North-West ward through common boundary of Baruipara (JL No. 106) and Bhamuria Mouza (JL No. 98) and meets at point 'E'.
- E—F Line starts from point 'E' and passes North and North-West ward through common boundary of Mouza Baruipara (JL No. 106) and Bhamuria (JL No. 98) and meets at point 'F'.
- F—G Line starts from point 'F' and passes North ward through common boundary of Baruipara (JL No. 106) and Bhamuria (JL No. 98) Mouza and meets at point 'G' being the Trijunction point between Mouza Bhamuria (JL No. 98) Bonra (JL No. 105) and Nawada (JL No. 108).

G—H	Line starts from point 'G' and passes North-West ward through common boundary of Mouza Nowada (JL No. 108) and Bhamuria (JL No. 98) and meets at point 'H' being Trijunction point between mouza Nowada (JL No. 108), Bhamuria (JL No. 98) and Kuthibari (JL No. 107).
H—I	Line starts from point 'H' and passes North-West ward through common boundary of Mouza Kuthibari and Bhamuria and meets at point 'I' being Trijunction point between Mouza Kuthibari (JL No. 107), Bhamuria (JL No. 98) and Neturia (JL No. 95).
I—J	Line starts from point 'I' and passes West ward through common boundary of Mouza Kuthibari (JL No. 107) and Neturia (JL No. 95) and meets at point 'J'.
J—K	Line starts from point 'J' and passes South ward through common boundary of Mouza Kuthibari (JL No. 107) and Neturia (JL No. 95) and meets at point 'K'.
K—L	Line starts from point 'K' and passes South West ward through common boundary of Mouza Sarbari (JL No. 91) and Nowada (JL No. 108) and meets at point 'L'.
L—M	Line starts from point 'L' and passes North-West ward through common boundary of Mouza Nowada (JL No. 108) and Sarbari (JL No. 91) and meets at point 'H'.
M—N	Line starts from point 'M' and passes West ward through common boundary of Mouzas Nowada (JL No. 108) and Sarbari (JL No. 91) and meets at point 'N'.
N—O	Line starts from point 'N' and passes South ward through common boundary of Mouzas Nowada and Sarbari and meets at point 'O' being the trijunction point between Mouzas Nowada (JL No. 108) Sultandi (JL No. 109) and Sarbari (JL No. 91).
O—P	Line starts from point 'O' and passes West ward through common boundary of Mouzas Sultandi (JL No. 109) and Sarbari (JL No. 91) at point 'P'.
P—Q	Line starts from point 'P' and passes South-West ward through common boundary of Mouzas Sultandi and Sarbari and meets point 'Q' being the Trijunction point between Mouzas Sarbari, Sultandi and Bortoria.
Q—R	Line starts from point 'Q' and passes South-East ward through common boundary of Mouzas Sultandi and Bortoria and meets at point 'R'.
R—S	Line starts from point 'R' and passes South-East ward through common boundary of Mouzas Sultandi and Bortoria and meets at point 'S'.
S—T	Line starts from point 'S' and passes South-East ward through common boundary of Mouzas Sultandi and Bortoria and meets at point 'T'.
T—U	Line starts from 'T' and passes South ward through common boundary of Mouzas Sultandi and Bortoria and meets at point 'U' being the Trijunction point between Mouzas Sultandi, Bortoria and Bonra.
U—V	Line starts from 'U' and passes South-West ward through common boundary of Mouzas Bonra and Bortoria and meets at point 'V' being the Tirjunction point between Bortoria, Bonra and Binduidih.
V—W	Line starts from point 'V' and passes South-East ward through common boundary of Mouzas Bonra and Binduidih and meets at point 'W' being the Trijunction point between Mouzas Bonra, Binduidih and Goaldih.
W—X	Line starts from point 'W' and passes North-West ward through common boundary of Mouzas Bonra and Goaldih and meets at point 'X'.
X—Y	Line starts from point 'Z' and passes South-East ward through common boundary of Mouzas Bonra and Goaldih and meets at point 'Y'.
Y—Z	Line starts from point 'Y' and passes South ward through common boundary of Mouzas Bonra and Goaldih and meets at point 'Z'.
Z—A	Line starts from point 'Z' and passes East ward through Mouzas Bonra, Ranpur and Dhangajore and meets at starting point 'A' being the Trijunction point between Mouzas Dhangajore, Baltore and Bhamuria.

अदेश

नई दिल्ली, 11 सितम्बर, 1997

का०आ० 2413.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकासी गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का०आ० 699(अ) तारीख, 8 अक्टूबर, 1996 के, भारत के राजपत्र, भाग II, खंड 3, उपखण्ड (ii), तारीख 8 अक्टूबर, 1996 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार, (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलसंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे,

और केन्द्रीय सरकार का यह समाधान हो गया है कि सेंट्रल कोलफील्ड्स लिमिटेड, रांची (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है) ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है,

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 8 अक्टूबर, 1996 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात्:—

- (1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिफल, ब्याज, नुकसानी और वैसी ही मर्गों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी,
- (2) उक्त सरकारी कंपनी द्वारा शर्तों (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्य-वाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त सरकारी कंपनी वहन करेगी,
- (3) उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या

उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी,

- (4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी, और
- (5) उक्त सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा०सं० 45015/6/91-एल०एस०डब्ल्यू०]

श्रीमती प्रेम लता सैनी, अवसर सचिव

ORDER

New Delhi, the 11th September, 1997

S.O.2413—Whereas on the Publication of the notification of the Government of India in the Ministry of Coal number S.O. 699 (E) dated the 8th October, 1996 in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii), dated the 8th October, 1996, issued under Sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and all rights in or over such lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under Sub-section (1) of Section 10 of the said Act;

And whereas the Central Government is satisfied that the Central Coalfields Limited, Ranchi (hereinafter referred to as the said Government Company), is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights so vested shall, with effect from the 8th October, 1996, instead of continuing to so vest in the Central Government, shall vest in the said Government Company, subject to the following terms and conditions, namely:—

- (1) the said Government Company shall reimburse the Central Government all Payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

(2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1) above and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the rights in or over the said lands so vesting shall also be borne by the said Government Company;

(3) the said Government Company shall indemnify the Central Government and its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Gov-

ernment or its officials regarding the rights in or over the said lands so vested

(4) the said Government Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government;

(5) the said Government Company shall abide by such directions and conditions as may be imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/6/91-LSW]

MRS. P.L. SAINI Under Secy.

नई दिल्ली, 16 सितम्बर, 1997

का.आ. 2414—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 24 अगस्त, 1996 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. सं. 2460 तारीख 12 जून, 1996 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 108.0 हेक्टर (लगभग) या 266.5 एकड़ (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार को यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है,

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे उपाबद्ध अनुसूची में वर्णित 108.0 हेक्टर (लगभग) या 266.5 एकड़ (लगभग) माप की भूमि में सभी के अधिकारों का अर्जन के अपने आशय की सूचना देती है।

टिप्पण : 1. इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. टी.आई.एनए./एल.एस.ई./96/1, तारीख 10 जनवरी, 1996 का निरीक्षण कलक्टर, वर्धमान, जिला वर्धमान के कार्यालय में या कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट, कलकत्ता -700001 के कार्यालय में या निदेशक (तकनीकी) ईस्टर्न कोलफील्ड्स लि., संकटोरिया डाकघर दिशेर्गढ़, जिला वर्धमान (पश्चिमी बंगाल) के कार्यालय में किया जा सकता है।

टिप्पण : 2. कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबन्धों को और ध्यान आकृष्ट किया जाता है, जिनमें निम्नलिखित उपबंध हैं।

8 अर्जन की बाबत आपत्तियां :—

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीन दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किये जाने के बार में आपत्ति कर सकेगा।

स्पष्टीकरण :—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जायगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन कार्यालय स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिये।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति, किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 : केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 को उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

तिलाबोनी कोलियरी

क्रम सं. मौजा/ग्राम का नाम	अधिकारिता सूची सं.	थाना	जिला	क्षेत्र एकड़ में	टिप्पणियां
1. नाबाधनपुर	19	फरीदपुर लोडोहा	बर्दवान	25.3	भाग
2. जिलाबोनी	20	फरीदपुर	बर्दवान	59.6	भाग
3. झांजरा	33	फरीदपुर लोडोहा	बर्दवान	180.6	भाग
4. सर्पी	35	फरीदपुर लोडोहा	बर्दवान	1.0	भाग
कुल				266.5 एकड़ (लगभग)	
				या	
				108 हेक्टर (लगभग)	

मौजा नाबाधनपुर में अर्जित किए जाने वाले प्लॉट

1493(भाग)

मौजा तिलाबोनी में अर्जित किए जाने वाले प्लॉट

25(भाग), 26(भाग), 27, 490, 491, 492, 493, 494, 495, 497, 499(भाग), 445(भाग), 447, 448(भाग), 449(भाग), 450(भाग), 451, 452, 453(भाग), 454(भाग), 455, 456, 457, 458, 460, 459, 461(भाग), 463(भाग), 477(भाग), 478, 479(भाग), 482(भाग), 484, 485, 486, 488, 489(भाग), 500(भाग), 487, 505(भाग), 506, 507(भाग), 747, 748, 749, 783, 768, 786, 787, 788, 790, 793, 799, 795, 794, 798(भाग) 805 और 906।

मौजा झांजरा में अर्जित किए जाने वाले प्लॉट

1 से 95, 96(भाग), 97(भाग), 98, 99(भाग), 100(भाग), 110(भाग), 111 से 152, 153(भाग), 154 से 174, 176(भाग), 177(भाग), 178 से 201, 202, 203(भाग), 204(भाग), 205(भाग), 206(भाग), 207, 208, 209, 210(भाग), 213(भाग), 214(भाग), 215(भाग), 216, 217 से 249, 250, 251, 252, 253, 254(भाग), 255(भाग), 261(भाग), 262(भाग), 263 से 277, 278(भाग), 279, 280, 281, 282(भाग), 285(भाग), 286(भाग), 287(भाग), 291(भाग), 293(भाग), 2452, 2453, 2454, 2456, 2457, 2439, 2440, 2386, 2496, 2401(भाग), 2402(भाग), 2403(भाग), 2404, 2405, 2406(भाग), 2407, 2408, 2409(भाग), 2412(भाग), 2414, 2415(भाग), 2416, 2417(भाग), 2420(भाग), 2428(भाग), 2429(भाग), 2430(भाग), 2431(भाग), 2443(भाग), 2444(भाग), 2445, 2381(भाग), 2392, 510(भाग), 2502(भाग), 2442(भाग), 2441(भाग), 2433, 2400, 2388, 2399, 2409, 2449, 2450, 2438, 2448, 2437, 2436, 2398, 2384, 2503।

मौजा सर्पी में अर्जित किए जाने वाले प्लाट

99(भाग), 100, 101(भाग), 102(भाग), 103, 104(भाग), 107(भाग), 110(भाग)

सीमा वर्णन :

- क-ख : रेखा बिन्दु “क” से आरम्भ होती है और मौजा नाबाधनपुर अधिकारिता सूची सं. 19 के भीतर दक्षिण-पश्चिम की ओर जाती है तथा बिन्दु “ख” पर मिलती है।
- ख-ग : रेखा बिन्दु “ख” से आरम्भ होती है और मौजा नाबाधनपुर, अधिकारिता सूची सं. 19 के भीतर दक्षिण-पूर्व की ओर जाती है तथा मौजा नाबाधनपुर, अधिकारिता सूची सं. 19 में बिन्दु “ग” पर मिलती है।
- ग-घ : रेखा बिन्दु “ग” से आरम्भ होती है और मौजा नाबाधनपुर, अधिकारिता सूची सं. 19 के भीतर दक्षिण-पश्चिम की ओर जाती है तथा मौजा नाबाधनपुर, अधिकारिता सूची सं. 19 और मौजा झांजरा, अधिकारिता सूची सं. 33 के बीच सम्मिलित सीमा के बिन्दु “घ” पर मिलती है।
- घ-ङ : रेखा बिन्दु “घ” से आरम्भ होती है और मौजा सर्पी, अधिकारिता सूची सं. 33 के भीतर दक्षिण-पश्चिम की ओर जाती है तथा मौजा झांजरा, अधिकारिता सूची सं. 33 और मौजा सर्पी, अधिकारिता सूची सं. 35 के बीच सम्मिलित सीमा के बिन्दु “ङ” पर मिलती है।
- ङ-च : रेखा बिन्दु “ङ” से आरम्भ होती है तथा मौजा सर्पी, अधिकारिता सूची सं. 35 के भीतर दक्षिण-पश्चिम बाड़ों की ओर जाती है तथा मौजा सर्पी, अधिकारिता सूची सं. 35 में बिन्दु “च” पर मिलती है।
- च-छ : रेखा “च” बिन्दु से आरम्भ होती है तथा मौजा सर्पी, अधिकारिता सूची सं. 35 के भीतर दक्षिण-पूर्व की ओर जाती है तथा मौजा झांजरा अधिकारिता सूची सं. 33 और मौजा सर्पी अधिकारिता सूची सं. 35 के बीच सम्मिलित सीमा रेखा के बिन्दु “छ” पर मिलती है।
- छ-ज : रेखा बिन्दु “छ” से आरम्भ होती है और मौजा झांजरा, अधिकारिता सूची सं. 33 के भीतर दक्षिण-पूर्व की ओर जाती है तथा मौजा झांजरा अधिकारिता सूची सं. 33 में बिन्दु “ज” पर मिलती है।
- ज-झ : रेखा बिन्दु “ज” से आरम्भ होती है और मौजा झांजरा अधिकारिता सूची सं. 33 के भीतर उत्तर-पूर्व की ओर जाती है तथा मौजा झांजरा अधिकारिता सूची सं. 33 और मौजा तिलाबोनी अधिकारिता सूची सं. 20 के बीच सम्मिलित रेखा के बिन्दु “झ” पर मिलती है।
- झ-ञ : रेखा बिन्दु “झ” से आरम्भ होती है और मौजा तिलाबोनी, अधिकारिता सूची सं. 20 के भीतर उत्तर-पूर्व की ओर जाती है तथा मौजा तिलाबोनी अधिकारिता सूची सं. 20 के भीतर बिन्दु “ञ” पर मिलती है।
- ञ-ट : रेखा बिन्दु “ञ” से आरम्भ होती है और मौजा तिलाबोनी अधिकारिता सूची सं. 20 के भीतर उत्तर-पश्चिम की ओर से जाती है तथा मौजा नाबाधनपुर अधिकारिता सूची सं. 19 और मौजा तिलाबोनी, अधिकारिता सूची सं. 20 के बीच सम्मिलित सीमा के बिन्दु “ट” पर मिलती है।
- ट-क : रेखा बिन्दु “ट” से आरम्भ होती है और मौजा नाबाधनपुर, अधिकारिता सूची सं. 19 के भीतर उत्तर-पश्चिम की ओर से जाती है तथा मौजा नाबाधनपुर, अधिकारिता सूची सं. 19 में प्रारम्भिक बिन्दु “क” पर मिलती है।

[सं. 43015/4/96-एल.एस. डब्ल्यू.]

श्रीमती पी. एल. सैनी, अवर सचिव

Ministry of Coal
New Delhi, the 16th September, 1997

S.O. 2414.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 2460, dated the 12th June, 1996 issued under Sub-Section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, in Part II, Section 3, Sub-section (ii) dated the 24th August, 1996, the Central Government gave notice of its intention to prospect for coal in 108.0 Hectares (approximately) or 266.5 acres (approximately) of land in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 108.0 Hectares (approximately) or 266.5 acres (approximately) in all rights as described in the Schedule annexed hereto;

Note 1 : The plan bearing No. TILA/LSE/96/1 dated the 10th January, 1996 of the area covered by this notification may be inspected in the office of the Collector, Burdwan, District Burdwan (West Bengal) or in the office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the office of the Director (Technical), Eastern Coalfields Limited, Sanctoria, Post Office—Dishegarh, District-Burdwan (West Bengal).

Note 2 : Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957), which provides as follows:

“8. Objections to acquisition :

- (1) Any person interested in any land in respect of which notification under Section 7 has been issued may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation — It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of the coal and that such operation should not be undertaken by the Central Government or by any other person.

- (2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

Note 3 : The Coal Controller, 1, Council House Street, Calcutta-700001 has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE
TILABONI COLLIERY

Serial Number	Name of Mouza/Village	Jurisdiction list number	Police Station	District	Area in acres	Remarks
1.	Nabaghanapur	19	Faridpur/Loudoha	Burdwan	25.3	Part
2.	Tilaboni	20	Faridpur/Loudoha	Burdwan	59.6	Part
3.	Jhanjra	33	Faridpur/Loudoha	Burdwan	180.6	Part
4.	Sarpi	35	Faridpur/Loudoha	Burdwan	1.0	Part

Total area — 266.5 acres
(approximately)

or 108.00 hectares (approximately)

Plot to be acquired in Mouza Nagaghanapur :
1493 (P).

Plots to be acquired in Mouza Tilaboni ;

25(P), 26(P), 27, 490, 491, 492, 493, 494, 495, 496, 497, 499(P). 445(P), 447, 448(P), 449(P), 450(P), 451, 452, 453(P), 454(P), 455, 456, 457, 458, 459, 461(P), 463, 477(P), 478, 479(P), 482(P), 484, 485, 486, 488, 489(P), 500(P), 487, 505(P), 506, 507(P), 747, 748, 749, 783, 768, 786, 787, 788, 790, 793, 799, 795, 794, 798(P), 805 & 806.

Plots to be acquired in Mouza Jhanjra ;

1 to 95, 96(P), 98, 99(P), 100(P), 110(P) 111 to 152, 153(P), 154 to 174, 176(P), 177(P), 178 to 201, 202(P), 203(P), 204, 205(P), 206(P), 207, 208, 209, 210(P) 213(P), 214(P), 215(P), 216, 217 to 249, 250, 251, 252, 253, 254(P), 255(P), 261(P), 262(P), 263 to 277, 278(P), 279, 280, 281, 282(P), 285(P), 286(P), 287(P), 291(P), 293(P), 2452, 2453, 2454, 2456, 2457, 2439, 2440, 2386, 2496, 2401(P), 2402(P), 2403(P), 2404, 2405, 2406(P), 2407, 2408, 2409(P), 2412(P), 2414, 2415(P), 2416, 2417(P), 2420(P), 2428(P), 2429(P), 2430(P), 2431(P), 2443(P), 2444(P), 2445, 2381(P), 2392, 510(P), 2502(P), 2442(P), 2441(P), 2433, 2400, 2388, 2399, 2409, 2449, 2450, 2438, 2448, 2437, 2436, 2398, 2384, 2503.

Plots to be acquired in Mouza Sarpi;

99(P), 100, 101(P), 102(P), 103, 104(P), 107(P), 110(P).

Boundary description ;

- A—B Line starts from point 'A' and passes South-West ward within Mouza Nabaghanapur, Jurisdiction List Number 19 and meets at point 'B'.
- B—C Line starts from point 'B' and passes South-East Wards within Mouza Nabaghanapur, Jurisdiction List Number 19 and meets at point 'C' in Mouza Nabaghanapur, Jurisdiction List No. 19.
- C—D Line starts from point 'C' and passes South-West wards within Mouza Nabaghanapur, Jurisdiction List Number 19 and meets at point 'D' common boundary between Mouza Nabaghanapur, Jurisdiction List Number 19 and Mouza Jhanjra, Jurisdiction List Number 33.
- D—E Line starts from point 'D' and passes South-West wards within Mouza Jhanjra, Jurisdiction List Number 33 and meets at point 'E' common boundary between Mouza Jhanjra, Jurisdiction List Number 33 and Mouza Sarpi, Jurisdiction List Number 35.
- E—F Line starts from point 'E' and passes South-West wards within Mouza Sarpi, Jurisdiction List Number 35 and meets at point 'F' in Mouza Sarpi, Jurisdiction List Number 35.
- F—G Line starts from point 'E' and passes South-East wards within Mouza Sarpi, Jurisdiction List Number 35 and meets at point 'G' common boundary line between Mouza Jhanjra, Jurisdiction List Number 33 and Mouza Sarpi, Jurisdiction List Number 35.
- G—H Line starts from point 'G' and passes South-East wards within Mouza Jhanjra, Jurisdiction List Number 33 and meets at point 'H' in Mouza Jhanjra, Jurisdiction List Number 33.
- H—I Line starts from point 'H' and passes North-East wards within Mouza Jhanjra, Jurisdiction List Number 33 and meets at point 'I' common boundary line between Mouza Jhanjra, Jurisdiction List Number 33 and Mouza Tilaboni, Jurisdiction List Number 20.
- I—J Line starts from point 'I' and passes North-East wards within Mouza Tilaboni, Jurisdiction List Number 20 and meets at point 'J' in Mouza Tilaboni, Jurisdiction List Number 20.
- J—K Line starts from point 'J' and passes North-West wards within Mouza Tilaboni, Jurisdiction List Number 20 and meets at point 'K' common boundary between Mouza Nababghanapur, Jurisdiction List Number 19 and Mouza Talaboni, Jurisdiction List Number 20.
- K—A Line starts from point 'K' and passes North-West wards within Mouza Nabaghanapur, Jurisdiction List Number 19 and meets at the starting point 'A' in Mouza Nabaghanapur, Jurisdiction List Number 19.

नई दिल्ली, 19 सितम्बर, 1997

का. आ. 2415.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र भाग II खंड 3 उपखंड (ii) तारीख 1 अक्टूबर, 1994 में पृष्ठ 3745 से 3746 पर प्रकाशित भारत सरकार के तत्कालीन कोयला मंत्रालय की अधिसूचना सं. का. आ. 2527 तारीख 1 सितम्बर, 1994 द्वारा उस अधिसूचना से उपावद्ध अनुसूची में विनिर्दिष्ट परिशेष की भूमि में जिसका माप 85—00 हेक्टेयर (लगभग) या 210.03 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र आसाधारण भाग II, खंड 3, उपखंड (ii) तारीख 26 सितम्बर, 1996 में प्रकाशित, भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का. आ. 657 (अ) तारीख 26 सितम्बर, 1996 द्वारा 1 अक्टूबर, 1996 से आरंभ होने वाली एक वर्ष की ऐसी और अवधि के रूप में विनिर्दिष्ट करती है जिसके भीतर केन्द्रीय सरकार, उक्त भूमि या ऐसी भूमि में या उस पर के किन्हीं अधिकारों के अर्जन करने के अपने आशय की सूचना दे सकेगी;

और केन्द्रीय सरकार को यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूचियों में वर्णित उक्त भूमि के भाग में कोयला अभिप्राप्य है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित का अर्जन करने के अपने आशय की सूचना देती है:—

(क) इससे संलग्न अनुसूची "क" में वर्णित 10.729 हेक्टेयर (लगभग) या 26.512 एकड़ (लगभग) माप वाली वाली भूमि में या उस पर सभी अधिकार;

(ख) इससे संलग्न अनुसूची "ख" में वर्णित 69.081 हेक्टेयर (लगभग) या 170.706 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान करने, बोर करने, खुदाई करने और तलाश करने, प्राप्त करने, उन पर कार्य करने और खनिजों को ले जाने के अधिकार;

टिप्पण 1 :—इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. सी-1(ई)/III/जीआर/628—0697, तारीख 5 जून, 1997 का निरीक्षण कलक्टर, छिदवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता—700001 के कार्यालय में या वैस्टर्न कोलफील्ड्स लिमिटेड (राजस्थान विभाग), कोल इस्टेट, सिविल लाइन्स, नागपुर—440 001 (महाराष्ट्र) के कार्यालय में किया जा सकेगा।

टिप्पण 2 :—पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है जिसमें निम्नलिखित उपबंध हैं:—

अर्जन के प्रति आक्षेप :—

8. (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है; हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :—इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्थगित मुद्दे जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिपूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यावाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 :—केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता 700001 को भारत के राजपत्र भाग II, खंड 1, उपखंड (ii), तारीख 11 जून, 1983 में प्रकाशित अधिसूचना सं. का. आ. 2519, तारीख 27 मई, 1983 द्वारा उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची क

मंडला वक्षिण खंड

पंच क्षेत्र

जिला छिदवाड़ा (मध्य प्रदेश)

(रेखांक सं. डब्ल्यू सी एल/सी-1 (ई)/III/जी आर/628--0697, तारीख 5 जून, 1997)

सभी अधिकार

क्रम मीजा/ग्राम सं. का नाम	पटवारी सफल सं.	बंदोबस्त सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1. मंडली	73 (17 नया)	454	परसिया	छिदवाड़ा	10.729	भाग

कुल क्षेत्र 10.729 हेक्टेयर
(लगभग)
या
26.512 एकड़ (लगभग)

ग्राम मंडली में अर्जित किए जाने वाले प्लॉट सं. :--389, 390/1, 390/2, 390/3, 390/4, 390/5, 390/6, 392, 393, 394/1, 394/2, 394/3।

सभी अधिकारों का सीमा वर्णन :

- ड--च : रेखा बिन्दु "ड" से आरंभ होती है और प्लॉट सं. 389, 390/1, 390/4, 390/2, 390/3, 390/5, 392, 394/1, 394/2, 394/3, की बाहरी सीमा के साथ-साथ ग्राम मंडली से होकर जाती है और बिन्दु "च" पर मिलती है।
- च--छ : रेखा प्लॉट सं. 394/3 की बाहरी सीमा के साथ-साथ ग्राम मंडली से होकर जाती है और बिन्दु "छ" पर मिलती है।
- छ--ज : रेखा प्लॉट सं. 394/3, 394/2, 394/1, 393, 390/6, 390/5, 390/3 की बाहरी सीमा के साथ-साथ ग्राम मंडली से होकर जाती है और बिन्दु "ज" पर मिलती है।
- ज--ड. : रेखा मंडली और हरनभाटा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और आरंभिक बिन्दु "ड" पर मिलती है।

अनुसूची--ख

मंडला वक्षिण खंड

पंच क्षेत्र

जिला छिदवाड़ा (मध्य प्रदेश)

(रेखांक सं. डब्ल्यू सी एल/सी-1 (ई)/III जी आर/628--0697, तारीख 5 जून, 1997)

खतन अधिकार

क्रम मीजा/ग्राम सं. का नाम	पटवारी सफल सं.	बंदोबस्त सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1. मंडली	73 (17 नया)	454	परसिया	छिदवाड़ा	69.081	भाग

कुल क्षेत्र : 69.081 हेक्टेयर (लगभग)
या
170.706 एकड़ (लगभग)

ग्राम मंडली में अजित किए जाने वाले 'प्लॉट सं.' :—265/3 भाग, 266/3, 266/4 भाग, 266/12 भाग, 266/13 भाग, 266/14, 266/15, 266/16, 268 भाग, 327 भाग, 347 भाग, 348 भाग, 349 से 364, 365/1, 365/2, 365/3, 365/4, 366 से 370, 371/1, 371/2, 371/3, 372, 373/1, 373/2, 373/4, 374 से 378, 379/1, 379/2, 380 से 382, 383 भाग, 384/1, 384/2, 385/1, 385/2, 385/3, 385/4, 385/5, 386/1, 386/2, 387, 388/1, 388/2, 388/3, 388/4, 391, 395/1, 395/2, 395/3, 395/4, 396 से 405, 406/1, 406/2, 407 से 409, 410/1, 410/2, 410/3, 410 411, 412, 413/1, 413/2, 413/3, 413/4, 413/5, 414, 415/1

खनन अधिकारों का सीमा वर्णन :

- इ—क : रेखा बिन्दु "इ." से आरंभ होती है और मंडली और हरनभाटा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है तथा बिन्दु "क" पर मिलती है।
- क—ख : रेखा मंडली और मंडला ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।
- ख—ग : रेखा प्लॉट सं. 265/3 में ग्राम मंडली से होकर जाती है और प्लॉट सं. 266/4 में, प्लॉट सं. 266/3 की बाहरी सीमा के साथ-साथ जाती है, फिर प्लॉट सं. 255/1, 266/13, 268, 347, 348, 327 में प्लॉट सं. 266/16, 266/15, 266/14 की बाहर के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।
- ग—घ : रेखा मंडली और सिरगौरी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।
- घ—ज : रेखा मंडली और हरनभाटा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु "ज" पर मिलती है।
- ज—फ : रेखा प्लॉट सं. 399, 398, 378, 379/2 की बाहरी सीमा के साथ-साथ मंडली ग्राम से होकर जाती है और बिन्दु "झ" पर मिलती है।
- झ—च : रेखा प्लॉट सं. 379/1, 381 (सड़क) की बाहरी सीमा के साथ-साथ मंडली ग्राम से होकर जाती है और बिन्दु "च" पर मिलती है।
- च—ड. : रेखा प्लॉट सं. 391 (सड़क), 391, 381 (सड़क), 382/2, 388/2, 388/3, 388/4, 383 (नाला) की बाहरी सीमा के साथ-साथ मंडली ग्राम से होकर जाती है और आरंभिक बिन्दु "इ." पर मिलती है।

[फा. सं. 43015/14/94—एल. एस. डब्ल्यू.]

श्रीमती प्रेम लता सैनी, अवर सचिव

New Delhi, the 19th September, 1997

S.O. 2415.—Whereas by the notification of the Government of India in the then Ministry of Coal number S.O. 2527 dated the 1st September, 1994, issued under sub-Section (I) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) hereinafter referred to as the said Act) and Published in Part-II Section 3 Sub-Section (ii) of the Gazette of India, dated the 1st October, 1994 at pages 3745 to 3746 the Central Government gave notice of its intention to prospect for coal in 85.00 hectares (approximately) or 210.03 acres (approximately) of the lands in the locality specified in the schedule annexed to that notification ;

And whereas by the notification of the Government of India in the Ministry of Coal number S.O. 657 (E), dated the 26th September, 1996 issued under sub-section (I) of section 7 of the said Act and published in the Gazette of India Extraordinary, Part-II, Section-3, Sub-section (ii), dated the 26th September, 1996, the Central Government specified a further period of one year commencing on the 1st October, 1996 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands ;

And whereas the Central Government is satisfied that Coal is obtainable in a part of the said lands described in the Schedules appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire—

- (a) all rights in or over the lands measuring 10.729 hectares (approximately) or 26.512 acres (approximately) in Schedule 'A' appended hereto ;
- (b) the rights to mine, quarry, bore dig and search for, win, work and carry away minerals in the lands measuring 69.081 hectares (approximately) or 170.706 acres (approximately) described in Schedule 'B' appended hereto ;

Note : 1 The plan bearing No. WCL/C-1(E) III/GR/628-0697 dated the 5th June 1997 of the area covered by this notification may be inspected in the Office of the Collector, Chhindwara (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700 001, or in the Office of the Western Coalfields Limited (Revenue Department) Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra).

Note 2: Attention is hereby invited to the provisions of Sections 8 of the aforesaid Act which provides as follows :

Objections to acquisition :

"8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government containing his recommendations on the objections together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note : 3 The Coal Controller, 1, Council House Street, Calcutta, 700001, has been appointed by the Central Government as the competent authority under the Act vide notification number S.O. 2519, dated the 27th May, 1983, published in Part II, Section -3, Sub-section (ii) of the Gazette of India dated the 11th June, 1983,

SCHEDULE 'A'

Mandla South Block,

Pench Area,

District Chhindwara (Madhya Pradesh)

(Plan No. WCL/C-1 (E) III/GR/628-0697 dated the 5th June, 1997.

All Rights

Serial number	Name of Mouza/village	Patwari circle number	Settlement number	Tahsil	District	Area in hectares	Remarks
1.	Mandli	73 (17 New)	454	Parasia	Chhindwara	10.729	Part
						Total area 10.729 hectares (approximately) or 26.512 acres (approximately)	

Plot numbers to be acquired in village Mandli :

389, 390/1, 390/2, 390/3, 390/4, 390/5, 390/6, 392, 393, 394/1, 394/2, 394/3,

Boundary description of All Rights :

E—F : Line starts from point 'E' & passes through village Mandli along the outer boundary of plot Nos. 389, 390/1, 390/4, 390/2, 390/3, 390/5, 392, 394/1, 394/2, 394/3, and meets at point 'F'.

F—G : Line passess through village Mandli along the outer boundary of plot No. 394/3 and meets at Point 'G'.

G—H : Line passess through village Mandli along the outer boundary of plot Nos. 394/3, 394/2, 394/1, 393, 390/6, 390/5, 390/3, and meets at point 'H'.

H—E : Line passess along the common village boundary of villages Mandli and Haranbhata and meets at starting Point 'E'.

SCHEDULE 'B'

Mandla South Block

Pench Area,

District Chhindwara (Madhya Pradesh)

(Plan No. WCL/C-1 (E) III/GR/628-0697 dated the 5th June, 1997.

Mining Rights

Serial number	Name of Mouza/ village	Patwari circle number	Settlement number	Tahsil	District	Area in hectares	Remarks
1.	Mandli	73 (17 New)	454	Parasia	Chhindwara	69.081	Part
Total area :						69.081	hectares (approximately) or 170.706 hectares (approximately)

Plot number to be acquired in village Mandli :

265/3 part, 266/3, 266/4 part, 266/12 part, 266/13 part, 266/14, 266/15, 266/16, 268 part, 327 part, 347 part, 348 part, 349 to 364 , 365/1, 365/2, 365/3, 365/4, 366 to 370, 371/1, 371/2, 371/3, 372, 373/1, 373/2, 373/3, 373/4, 374 to 378, 379/1, 379/2, 380 to 382, 383 part, 384/1, 384/2, 385/1, 385/2, 385/3, 385/4, 385/5, 386/1, 386/2, 387, 388/1, 388/2, 388/3, 388/4, 391, 395/1, 395/2, 395/3, 395/4, 396 to 405, 406/1, 406/2, 407 to 409, 410/1, 410/2, 410/3, 410/4, 411, 412, 413/1, 413/2, 413/3, 413/4, 413/5, 414, 415,

Boundary description of Mining Rights :

E—A : Line starts from point 'E' and passes along the common village boundary of villages Mandli and Haranbhata & meets at point 'A',

A—B : Line passess along the common village boundary of villages Mandli and Mandla and meets at Point 'B'.

- B—C : Line passess through village Mandli in plot No. 265/3, and passess along outer boundary of plot No. 266/3, in plot No. 266/4, then passes along the outer boundary of plot No. 266/16, 266/15, 266/14 in plot Nos. 266/12, 266/13, 268, 347, 348, 327 and meets at point 'C'
- C—D : Line passess along the common village boundary of vullage Mandli & Sirgori Kalan and meets at Point 'D'.
- D—H : Line passes along the common village boundary of villages Mandli & Haranbhata and meets at Point 'H'.
- H—G : Line passess through village Mandli along the outer boundary of plot Nos. 399, 398, 378, 379/2 and meets at Point 'G'.
- G—F : Line passess through village Mandli along the outer boundary of plot No. 379/1, 381 (Road) and meets at point 'F'.
- F—E : Line passess through village Mandli along the outer boundary of plot Nos. 381 (Road) 391, 381 (Road), 382/2, 388/2, 388/3, 388/4, 383 (Nallah) and meets at starting Point 'E'.

[No. 43015/14/94-LSW]

Mrs. P.L. SAINI, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 9 सितम्बर, 1997

का.आ. 2416.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में स्वास्थ्य और परिवार कल्याण मंत्रालय के अन्तर्गत आने वाले निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत में अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. क्षेत्रीय आयुर्वेद अनुसंधान संस्थान, लखनऊ।
 2. हिन्दुस्तान लैटेक्स लिमिटेड, निगमित मुख्य कार्यालय, लैटेक्स भवन, तिरुवनन्तपुरम, केरल।
 3. हिन्दुस्तान लैटेक्स लिमिटेड, कणगला, बेलगाम, कर्नाटक।
 4. राष्ट्रीय प्राकृतिक चिकित्सा संस्थान, पुणे।
- [संख्या ई-11012/1/94-रा.भा. कार्य. (हिन्दी-1)]
आलोक परती, संयुक्त सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 9th September, 1997

S.O. 2416.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use of official purpose of the Union) Rule, 1976, the Central Government hereby notifies the following offices under the Ministry of Health &

Family Welfare, 80 percent staff whereof have acquired working knowledge of Hindi :—

1. REGIONAL RESEARCH INSTITUTE (AYURVEDA), LUCKNOW.
2. HINDUSTAN LATEX LIMITED, CORPORATE & REGD. OFFICE. LATEX BHAVAN, THIRUVANANTHAPURAM, KERALA.
3. HINDUSTAN LATEX LIMITED, KANAGLA, BELGAUM, KARNATAKA.
4. NATIONAL INSTITUTE OF NATURO-PATHY, PUNE.

[No. E. 11012/1/94-OLI (Hindi-1)]

ALOK PERTI, Jt. Secy.

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 3 सितम्बर, 1997

का. आ. --.2417 यतः कोलम्बिया विश्वविद्यालय, यू. एस. ए. द्वारा प्रदान की जाने वाली एम डी चिकित्सा अर्हता भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 14 के प्रयोजन से एक मान्यताप्राप्त चिकित्सा अर्हता है।

और डा. सुस्तव डेगीफ जिनके पास यह अर्हता है, इस समय मेहर निशुल्क औषधालय (मेहराजाद), अहमदनगर में अपने व्यक्तिगत लाभ के लिए नहीं बल्कि पूरे कार्य के प्रयोजन से कार्य कर रहे हैं;

अतः अब उक्त अधिनियम की धारा 14 की उपधारा (1) के अनुसरण में और भारतीय चिकित्सा परिषद् से परामर्श करने के पश्चात् केन्द्रीय सरकार :—

(i) इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि को या

(ii) उस अवधि को जिसके दौरान डा. गुस्तव डेग्रीफ मेहर निशुल्क औषधालय (मेहराजद) अहमद नगर से संलग्न है, इनमें से जो भी अवधि लघुतर हो, उस अवधि के रूप में विनिश्चित करती है जिस तक उक्त डाक्टर का चिकित्सा व्यवसाय मेहर निशुल्क औषधालय के पूर्ण कार्य के लिए सीमित होगा।

[सं. वी 11016/5/96-एम ई (यू जी)]
एस. के. मिश्रा, डैस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

ORDER

New Delhi, the 31st September, 1997

S.O. 2417.—Whereas the medical qualification M.D. granted by the Columbia University, United States of America is a recognised medical qualification for the purpose of Section 14 of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas, Dr. Gustav Degreeef who possesses such qualification is for the time being attached to Mehar Free Dispensary (Meherazad), Ahmednagar for the purpose of Charitable work and not for personal gain;

Now, therefore, in pursuance of sub-section (1) of Section 14 of the said Act, and after consultation with the Medical Council of India the Central Government hereby specifies :—

- (i) a period of one year from the date of issue of this notification, or
- (ii) the period during which Dr. Gustav Degreeef is attached to Mehar Free Dispensary (Meherazad), Ahmednagar;

whichever is shorter as the period for which the medical practice by the aforesaid Doctor shall be limited to the said Mehar Free Dispensary for the purpose of Charitable work.

[No. V. 11016/5/96-ME(UG)]
S. K. MISHRA, Desk Officer

नई दिल्ली, 9 सितम्बर, 1997

का. आ. 2418.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 13 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की तीसरी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में भाग 2 में विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ जोड़ी जाएंगी, अर्थात् :—

“फाजार्ड फर रेडियोलोवासाचा डाइग्नोस्टिक
रोस्टाक विश्वविद्यालय,
रिपब्लिक ऑफ जर्मनी,
एम डी,

लूडविगाना स्टेट यूनिवर्सिटी स्कूल ऑफ मेडिसिन,
न्यू ओसिस, संयुक्त राज्य अमेरिका।”

[सं. वा. 11015/2/96-एम. ई. (यूजी)]
एस. के. मिश्रा, डैस्क अधिकारी

टिप्पण : भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (102 का 1956) की तीसरी अनुसूची के भाग II को भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 के भाग के रूप में भारत के राजपत्र (असाधारण) भाग II—खण्ड I, में सं 83, दिनांक 31 दिसम्बर, 1956 द्वारा प्रकाशित किया गया था।

New Delhi, the 9th September, 1997

S.O. 2418.—In exercise of the powers conferred by sub-section (4) of Section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India hereby makes the following further amendment in the Third Schedule to the said Act, namely :—

In the said Schedule, in part II, after the existing entries, the following entries shall be added, namely :—

“Facharzt für Radiologische Diagnostik”
University of Rostock,
Federal Republic of Germany.
M.D.,
Louisiana State University School of Medicine,
New Orleans,
U.S.A.

[No. V-11015/2/96-ME (UG)]

S. K. MISHRA, Desk Officer

Note.—The Part II of the Third Schedule to the Indian Medical Council Act, 1956 (102 of 1956) was published as a part of the Indian Medical Council Act, 1956 in Part II, Section I of the Gazette of India (Extraordinary) vide issue No. 83, dated the 31st December, 1956.

नई दिल्ली, 9 सितम्बर, 1997

का. आ. 2419.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा (4) के साथ पठित उक्त अधिनियम की धारा 3 की उपधारा (1) के खण्ड (ख) के अनुसरण में, डा. सी. एम. जयश्रीनि को 13 मई, 1997 से 7 जुलाई, 1999 तक की अवधि के लिए डा. एस. कंध की आकस्मिक रिक्ति पर बंगलौर विश्वविद्यालय की सीनेत द्वारा भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, शीर्षक “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित” के अधीन क्रम

सं. 41 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टियां रखी जाएंगी, अर्थात्

“41. डा. सी. एम. जयकीर्ति

बंगलौर विश्वविद्यालय”

आयुर्विज्ञान संकायाध्यक्ष और प्राचार्य,

बंगलौर मेडिकल कालेज,

बंगलौर

[सं. वी. 11013/11/97-एम. ई. (यू. जी.)]

एस. के. मिश्रा, डेस्क अधिकारी

टिप्पण :—मूल अधिसूचना भारत के राजपत्र में अधिसूचना सं. का. आ. 138, दिनांक 9 जनवरी, 1960 द्वारा प्रकाशित की गई थी।

New Delhi, the 9th September, 1997

S.O. 2419.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), read with sub-section (4) of section 7 of the said Act, Dr. C. M. Jayakeerthi has been elected by the Senate of the Bangalore University to be a member of Medical Council of India in the casual vacancy of Dr. S. Kantha for the period with effect from 13th May, 1997 to 7th July, 1999.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health, number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3”, for serial number 41 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

“41. Dr. C. M. Jayakeerthi, Bangalore
Dean, Faculty of Medicine University
and Principal,
Bangalore Medical College,
Bangalore.

[No. V-11013/11/97-ME(UG)]

S. K. MISHRA, Desk Officer

Note :—The principal notification was published in the Gazette of India vide notification number S.O. 138, dated the 9th January, 1960.

नई दिल्ली, 9 सितम्बर, 1997

का. आ. 2420.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के अनुसरण में डा. डी. जे. दास गुप्ता, आयुर्विज्ञान संकायाध्यक्ष और प्रचार्य, इंदिरा गांधी मेडिकल कालेज,

शिमला को हिमाचल प्रदेश विश्वविद्यालय की सभा द्वारा 30-5-1997 को भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

2. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के पूर्व स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138, तारीख 9-1-1960 में निम्न-लिखित और संशोधन करती है, अर्थात्

3. उक्त अधिसूचना में, शीर्षक ‘धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित के अधीन, क्रम सं. 47 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टियां रखी जाएंगी, अर्थात् :—

“47. डा. डी. जे. दास गुप्ता, हिमाचल प्रदेश
आयुर्विज्ञान संकायाध्यक्ष और प्रचार्य, विश्वविद्यालय
इंदिरा गांधी मेडिकल कालेज,
शिमला।

[सं. वी.-11013/12/97-एम.ई. (यू.जी.)]

एस. के. मिश्रा, डेस्क अधिकारी

टिप्पण :—मूल अधिसूचना भारत के राजपत्र में अधिसूचना सं. का. आ. 138, 9-1-1960 द्वारा प्रकाशित की गई थी।

New Delhi, the 9th September, 1997

S.O. 2420.—Whereas in pursuance of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. D. J. Dasgupta, Dean, Faculty of Medical Sciences-cum-Principal, Indira Gandhi Medical College, Shimla has been elected on the 30-5-1997 by Court of the Himachal Pradesh University, to be a member of Medical Council of India.

2. Now, therefore in pursuance of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health No. S.O. 138, dated the 9-1-1960, namely :—

3. In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 47 and the entries relating thereto, the following serial number and entries shall be substituted namely :—

“47. Dr. D. J. Dasgupta, Himachal Pradesh
Dean, Faculty of University
Medical Sciences-
cum-Principal Indira
Gandhi Medical
College,
Shimla.

[No. V-11013/12/97-ME(UG)]

S. K. MISHRA, Desk Officer

Note :—The Principal notification was published in the Gazette of India vide notification No. S.O. 138 dated the 9-1-1960.

कृषि मंत्रालय
(पशुपालन एवं डेयरी विभाग)
शुद्धि पत्र

नई दिल्ली, 15 सितम्बर, 1997

का०आ० 2421 :—इस विभाग के दिनांक 20-1-1997 के समसंख्यक अधिसूचना (दिनांक 8-3-1997 के भारत के राजपत्र के सा०का० संख्या 647 के भाग-2, खण्ड 3(ii) द्वारा जारी की गई) में, भाग-2 तथा भाग-3 हिस्से को विलुप्त समझा जाए।

[संख्या 3-5/93 (एल०डी० 1) प्रशासन-4]

कंवरजीत सिंह, उप सचिव

MINISTRY OF AGRICULTURE
(Department of Animal Husbandry & Dairying)
CORRIGENDUM

New Delhi, the 15th September, 1997

S.O. 2421,—In this Department's notification of even number dated 20-1-1997 (issued by S.O. No. 647, Part II Section 3(ii) in the Gazette of India dated 8-3-97, the parts II and III portion may be treated as deleted.

[F.No. 3-5/93 (LD. I) Admn.IV]
KANWAR JIT SINGH Dy. Secy.

नागर विमानन मंत्रालय
(नागर विमानन विभाग)

नई दिल्ली, 22 अगस्त, 1997

का०आ० 2422 :—केन्द्र सरकार, भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का 55) की धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा पावर ग्रिड कारपोरेशन आफ इंडिया, लिमिटेड, नई दिल्ली के कार्यपालक निदेशक श्री एस०के० नरुला की उनके कार्यभार ग्रहण करने की तारीख से पांच वर्ष की कार्यविधि तक अथवा उनकी अधिवृत्ति की आयु पूरी करने तक, जो भी पहले हो, भारतीय विमानपत्तन प्राधिकरण में अनुसूची "ख" में 12000-14000 रुपये (संशोधित) के वेतनमान में सदस्य (कार्मिक और प्रशासन) के रूप में नियुक्ति करती है।

[सं० एबी-11015/055/95-बीबी]

बिमल जुल्का, निदेशक

MINISTRY OF CIVIL AVIATION
AND TOURISM

(Department of Civil Aviation)

New Delhi, the 22nd August, 1997

S.O. 2422.—In exercise of the powers conferred by section 3 of the Airports Authority of India Act, 1994 (No. 55 of 1994) the Central Government hereby appoints Shri S.K. Narula, Executive Director in the Power Grid Corporation of India Limited, New Delhi as Member (Personnel and Administration) in the

Airports Authority of India in Schedule 'B' scale of pay of Rs. 12,000-14,000/- (Revised) for a period of five years from the date of his taking over the charge or till the age of his superannuation whichever is earlier.

[No. AV-11015/005/95-VB]
BIMAL JULKA, Director

संचार मंत्रालय

(डाक विभाग)

नई दिल्ली, 10 सितम्बर, 1997

का.आ. 2423.—राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिये प्रयोग), 1976 के नियम-10 के उप-नियम (4) के अनुसरण में केन्द्र सरकार डाक विभाग के अधीनस्थ कार्यालय-मिनिकाय उप डाकघर, मिनिकाय-682559, केरल सर्किल को, जिसके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं.ई.-11025-1/91-रा.भा.]
डा. गिरिवरधारी सिंह, निदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS

(Department of Post)

New Delhi the 10th September, 1997

S.O. 2423.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (use for Official purposes of the Union) Rules, 1976, the Central Government hereby notify the subordinate office of the Department of Post-Minicoy Sub-Post Office, Minicoy-682 559, Kerala Circle, where 80 per cent staff has acquired working knowledge of Hindi.

[No. E. 11025-1/91-OL]
DR. G. D. SINGH, Director (OL)

जल भूतल परिवहन मंत्रालय

नई दिल्ली, 8 सितम्बर, 1997

का.आ. 2424.—भारत सरकार, निम्नलिखित कार्यालय को, जहां 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है और जो इस मंत्रालय के प्रशासनिक नियंत्रण में है, राजभाषा (संघ के सरकारी उद्देश्य के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के तहत अधिसूचित करती है:

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण,

1 ईस्टर्न एवेन्यू, महारानी बाग, नई दिल्ली-110065

[फा.सं. ई-11011/7/96-हिंदी]

अ.कु. रस्तोगी, संयुक्त सचिव

MINISTRY OF SURFACE TRANSPORT

New Delhi, the 8th September, 1997

S.O. 2424.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for the Official purposes of the Union) Rules, 1961 the Government of India hereby notifies the following office under the administrative control of the Minis-

try of Surface Transport where more than 80 per cent of staff have acquired working knowledge in Hindi :—

National Highways Authority of India, 1, Eastern Avenue, Maharani Bagh, New Delhi-110065.

[F. No. E-11011/7/96-Hindi]
A. K. RASTOGI, Jt. Secy.

(नीवहन पक्ष)

नई दिल्ली, 9 सितम्बर, 1997

का.आ. 2425—केन्द्र सरकार, दीपघर केन्द्रीय सलाहकार समिति (प्रक्रिया) नियमावली, 1976 के नियम 3, 4 और 11 के साथ पठित दीपघर अधिनियम, 1927 (1927 का सं. 17) की धारा 4 की उपधारा (1) के अनुसरण में एतद्द्वारा भारत सरकार, जल-भूतल परिवहन मंत्रालय (नीवहन पक्ष) की दिनांक 14 मार्च, 1997 की अधिसूचना सं. एल एच-11016/2/96-एस एल में निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना में क्रम सं. 14 पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जायें, अर्थात् :—

“14. श्री आनन्द अग्रवाल, भारतीय वाणिज्य सह अध्यक्ष, परिवहन एवं उद्योग मंडल व्यवस्थापन समिति, फिक्की, परिसंघ के प्रतिनिधि।”
नई दिल्ली।

[फा. सं. एल एच-11016/2/96-एस एल]
ग्राहक के शर्मा, अवसर सचिव

(Shipping Wing)

New Delhi, the 9th September, 1997

S.O. 2425.—In pursuance of sub-section (i) of Section 4 of the Lighthouse Act, 1927 (No. 17 of 1927) read with rules 3, 4 and 11 of the Central Advisory Committee for Lighthouses (Procedural) Rules, 1976, the Central Government hereby makes the following amendments in the Government of India, Ministry of Surface Transport (Shipping Wing's) notification No. LH-11016/2/96-SL dated 14th March, 1997 :—

In the said notification, against serial No. 14, the following entries shall be substituted, namely :—

“14. Shri Anand Agarwal, —Representative of
Co-Chairman, Transport Federation of India
Infrastructure Committee, Chambers of Commerce
FICCI, New Delhi. and Industry.”

[F. No. LH-11016/2/96-SL]
R. K. SHARMA, Under Secy.

नई दिल्ली, 12 सितम्बर, 1997

का.आ. 2426—केन्द्र सरकार, राष्ट्रीय राजमार्ग (शुल्क की दर) नियमावली, 1997 के नियम 3 के साथ पठित राष्ट्रीय राजमार्ग अधिनियम, 1956 (1956 का 48) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्द्वारा अधिसूचित करती है कि राज्य राजमार्ग बदायती-तारकेश्वर सड़क पर 22 कि.मी. सेपालसित तक के अंतिम बिन्दु के बीच दुर्गापुर एक्सप्रेस मार्ग के भाग पर स्थायी पुलों, अस्थायी पुलों अथवा सुरंगों के प्रयोग के लिये यांत्रिक वाहनों पर संलग्न अनुसूची में विनिर्दिष्ट दरों पर शुल्क वसूल किया जाएगा।

अनुसूची

(दुर्गापुर एक्सप्रेस मार्ग के प्रयोक्ताओं से वसूले जाने वाले शुल्क की दरें)

क्रम सं.	वाहन का प्रकार	दर
1.	कार अथवा जीप अथवा वैन	0.40 रु. प्रति कि.मी.
2.	हल्के वाणिज्यिक वाहन	0.70 रु. प्रति कि.मी.
3.	ट्रक अथवा बस	1.40 रु. प्रति कि.मी.
4.	हैवी कन्स्ट्रक्शन मशीनरी और अर्थमूविंग उपस्कर	3.00 रु. प्रति कि.मी.

बशर्ते कि इस अनुसूची में विनिर्दिष्ट वाहन की किसी भी श्रेणी में रक्षा विभाग, पुलिस विभाग, अग्नि शमन विभाग, डाक तार विभाग, केन्द्र सरकार, राज्य सरकार अथवा स्थानीय निकायों के वाहन तथा एम्बुलेंस अथवा शव-यान शामिल नहीं होंगे।

[सं. आर डब्ल्यू/एनएच/1101
डी.एन.]

New Delhi, the 12th September, 1997

S.O. 2426.—In exercise of powers conferred by section 7 of the National Highways Act, 1956 (48 of 1956), read with rule 3 of the National Highways (Rate of Fee) Rules, 1997, the Central Government hereby notifies that there shall be levied and paid fee on mechanical vehicles for the use of permanent bridges, temporary bridges or tunnels, as the case may be, on the part of Durgapur Expressway between KM 22 to the end point at Palsit through State Highway Badyabati-Tarakeswar Road at the rates specified in Schedule Annexed hereto, namely :—

SCHEDULE

(Rates of fees to be recovered from the users of Durgapur Expressway)

S. No.	Type of Vehicle	Rate
1.	Car or Jeep or Van	Re. 0.40 per km
2.	Light Commercial Vehicles	Re. 0.70 per km
3.	Truck or Bus	Rs. 1.40 per km
4.	Heavy construction machinery and earth-moving equipment	Rs. 3.00 per km

Provided that any category of vehicle specified in this Schedule shall not include any vehicle on duty of Defence Department, Police Department, Fire-Fighting Department, Post and Telegraph Department, Central Government, State Government or Local Bodies and ambulance or funeral van.

[RW/NH-11013/2/96-PL]
D. N. Gupta, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 सितम्बर, 1997

का. आ. 2427.— केंद्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड की परिष्करण, माहुल, मुंबई से पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाईपलाइन बिछाई जाए.

और ऐसी पाईपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है.

अतः अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाईपलाईन [भूमि में उपयोग के अधिकार] का अर्जन अधिनियम, 1962 [1962 का 50] की धारा 3 की उपधारा [1] द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र, में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाईपलाईन बिछाने के संबंध में आपत्ति लिखित रूप में श्री टी. के. बागुल, सक्षम प्राधिकारी, मुंबई - मनमाड पाईपलाईन परियोजना, भारत पेट्रोलियम कारपोरेशन लिमिटेड, 9-13, बसंत मार्केट, कॅनडा कॉर्नर, नाशिक - 422 002 (महाराष्ट्र) को कर सकेगा.

अनुसूची

जिला : नासिक

राज्य : महाराष्ट्र

तहसील : नादगाव

गाव का गट/सर्वे

क्षेत्र

नाम नंबर

हेक्टर, आर. चौंस मीटर.

1.	2.	3.	4.	5.
नागापुर	39/1A	0	37	00
	51	0	63	90
	52/1A/1D	0	12	90
	52/6A	0	09	00
	52/6B	0	20	10
	39/1B/2	0	10	15
	52/8	0	19	95
	69/2	0	38	70
	66	0	05	45

सटाने	85/2	0	39	30
	58/2B/2	0	01	00
	57/3	0	25	50
	57/4	0	15	00
	45/2/2	0	10	50
	45/2/3B	0	59	70
	54/1	0	14	70
	54/4	0	06	30
	54/6	0	12	30
	51/1	0	21	30
	52/2	0	21	45
	51/3	0	05	04
	51/5	0	01	10
	40	0	37	14
	66/4	0	11	68
	67/2	0	22	80
	67/1	0	15	58
	85/1	0	16	50
	87/1	0	20	87
	88/2A	0	10	50
	58/2A	0	21	96
	52/2/2	0	03	90
	52/2/1	0	17	10
	70/A	0	14	10
अनकवाडे	17/3	0	12	30
	17/1	0	27	60
	14/2/2	0	20	39
	14/2/3	0	32	40
	102/2	0	10	70
	105/1+2A	0	38	76
	104/7	0	53	40
	104/2	0	08	00
	110/1	0	35	64
	110/4	0	38	28
	78/3	0	18	60
	78/2	0	19	20
	79/1	0	01	70
	79/6	0	61	50
	79/5	0	02	40
	79/4	0	13	80
	79/3	0	11	40

	76/1	0	25	20
	102/5	0	02	60
	102/4	0	04	67
	105/2B	0	37	10
	104/4B/1	0	11	28
	110/2	0	17	78
	78/4	0	22	10
	75/8	0	24	45
	74	0	77	93
	65	0	25	65
	68	0	17	00
तहसील : येवला				
दिसापुर	11/3	0	01	29
	141/2	0	16	65
	149/3	0	28	50
	152	0	03	20
	116	0	13	35
	120	0	04	93
	123	0	15	85
	139	0	15	15
	146	0	05	40
	144/1	0	02	40
	153/3	0	20	63
विस्वरणी				
	156/1	0	16	80
	177	0	03	00
	178/B/2/2	0	16	00
	173/2	0	20	73
	174	0	19	18
	176	0	17	95
	178/A	0	26	94
कातरणी	256	0	07	00
	427	0	22	50
आडगाव रेपाल	21/A	0	26	00
	21/B/1	0	07	00
	196	0	12	75
	464/1	0	36	72
	480	0	08	40
	496	0	21	00
	497	0	02	00

	20	0	23	96
	192	0	08	65
	253	0	10	21
	463	0	04	21
	479/2	0	09	80
	486/1/1	0	50	00
	494	0	19	52
नीलखेडा	149	0	05	06
	151/1	0	54	00
	151/2	0	25	00
	181/2	0	34	95
	187	0	03	15
	176/A	0	10	03
	176/B	0	21	68
	181/3	0	67	94
लौकी सिरस	55	0	19	00
	58	0	25	95
	59	0	24	36
	60	0	35	60
	57	0	39	61
	65/B	0	19	61
	84	0	22	49
	92	0	05	33
	103/3	0	21	37
वलदगांव	217/1	0	32	00
	223/4	0	18	00
	224	0	12	00
	225	0	12	00
	226	0	22	00
	227/A	0	04	00
	227/A/1	0	25	00
	235	0	20	42
	236	0	34	00
	194/3/1A	0	08	00

[फा. सं. आर 31015/19/97 ओ आर II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 5th September, 1997

S.O. 2427.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Refinery of Bharat Petroleum Corporation Limited, Mahul, Mumbai to Manmad in the State of Maharashtra, pipelines should be laid by the Bharat Petroleum Corporation Limited ;

And, whereas that for the purpose of laying such pipeline it is necessary to acquire the Right of User in land described in the Schedule annexed to this notification ;

Now, therefore in exercise of the powers conferred by sub-section (I) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said schedule may within 21 days from date on which the copies of the notification was published in the Gazette of India are made available to the general public to object in writing to the acquisition of right of user therein for laying of the pipeline under the land to Shri T.K. Bagul, competent authority, Mumbai Manmad Pipeline Project, Bharat Petroleum Corporation Limited, 9-13, Vasant Market, Canada Corner, Nasik- 422002 (Maharashtra).

Schedule

District: Nasik		State: Maharashtra		
Name of village	Survey/Gat Numbers	Area		
		Hectors	Area	Sq. Mts
(1)	(2)	(3)	(4)	(5)
Tahsil: Nandgaon				
Nagpur	39/1A	0	37	00
	51	0	63	90
	52/1A/1D	0	12	90
	52/6A	0	09	00
	52/6B	0	20	10

(1)	(2)	(3)	(4)	(5)
	39/1B/2	0	10	15
	52/8	0	19	95
	69/2	0	38	70
	66	0	05	45
Satana	85/2	0	39	30
	58/2B/2	0	01	00
	57/3	0	25	50
	57/4	0	15	00
	45/2/2	0	10	50
	45/2/3B	0	59	70
	54/1	0	14	70
	54/4	0	06	30
	54/6	0	12	30
	51/1	0	21	30
	52/2	0	21	45
	51/3	0	05	04
	51/5	0	01	10
	40	0	37	14
	66/4	0	11	68
	67/2	0	22	80
	67/1	0	15	58
	85/1	0	16	50
	87/1	0	20	87
	88/2A	0	10	50
	58/2A	0	21	96
	52/2/2	0	03	90
	52/2/1	0	17	10
	70/A	0	14	10
Anankwade	17/3	0	12	30
	17/1	0	27	60
	14/2/2	0	20	39
	14/2/3	0	32	40
	102/2	0	10	70
	105/1+2A	0	38	76
	104/7	0	53	40
	104/2	0	08	00
	110/1	0	35	64
	110/4	0	38	28
	78/3	0	18	60
	78/2	0	19	20
	79/1	0	01	70
	79/6	0	61	50
	79/5	0	02	40
	79/4	0	13	80
	79/3	0	11	40

(1)	(2)	(3)	(4)	(5)
	76/1	0	25	20
	102/5	0	02	60
	102/4	0	04	67
	105/2B	0	37	10
	104/4B/1	0	11	28
	110/2	0	17	78
	78/4	0	22	10
	75/8	0	24	45
	74	0	77	93
	65	0	25	65
	68	0	17	00
Tahsil: Yeola				
Visapur	11/3	0	01	29
	141/2	0	16	65
	149/3	0	28	50
	152	0	03	20
	116	0	13	35
	120	0	04	93
	123	0	15	85
	139	0	15	15
	144/1	0	02	40
	146	0	05	40
	153/3	0	20	63
Vikharni	156/1	0	16	80
	177	0	03	00
	178/B/2/2	0	16	00
	173/2	0	20	73
	174	0	19	18
	176	0	17	95
	178/A	0	26	94
Katarni	256	0	07	00
	427	0	22	50
Adgaon Repal	21/A	0	26	00
	21/B/1	0	07	00
	196	0	12	75
	464/1	0	36	72
	480	0	08	40
	496	0	21	00
	497	0	02	00
	20	0	23	96
	192	0	08	65
	253	0	10	21
	463	0	04	12

(1)	(2)	(3)	(4)	(5)
	479/2	0	09	80
	486/1/1	0	50	00
	494	0	19	52
Nilkheda	149	0	05	06
	151/1	0	54	00
	151/2	0	25	00
	181/2	0	34	95
	187	0	03	15
	176/A	0	10	03
	176/B	0	21	68
	181/3	0	67	94
Lauki Shiras	55	0	19	00
	58	0	25	95
	59	0	24	36
	60	0	35	60
	57	0	39	61
	65/B	0	19	61
	84	0	22	49
	92	0	05	33
	103/3	0	21	37
Valadgaon	217/1	0	32	00
	223/4	0	18	00
	224	0	12	00
	225	0	12	00
	226	0	22	00
	227/A	0	04	00
	227/A/1	0	25	00
	235	0	20	42
	236	0	34	00
	194/3/1A	0	08	00

[File No. R-31015/19/97-OR.II]

K. C. KATOCH. Under Secy.

नई दिल्ली, 17 सितम्बर, 1997

का. आ. 2428.— केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन [भूमि में उपयोग के अधिकार का अर्जन] अधिनियम, 1962 [1962 का 50] की धारा 2 के खंड [क] के अनुसरण में तमिलनाडु राज्य सरकार से प्रतिनियुक्ति पर विशेष उप कलेक्टर श्री वी. कुप्पन्न को, भारत पेट्रोलियम कारपोरेशन लिमिटेड, कोविन - कोयम्बतूर-करूर पाइपलाइन परियोजना से संबंधित तमिलनाडु राज्य के राज्यक्षेत्र के भीतर उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

[फा. सं. 31015/10/97-ओ आर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 17th September, 1997

S.O. 2428.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises Shri V.Kuppannan, Special Deputy Collector, on deputation from Tamil Nadu State Government to Bharat Petroleum Corporation Limited, Cochin-Coimbatore-Karur pipeline project to perform the functions of the competent authority under the said Act within the territory of State of Tamil Nadu.

[File No. R-31015/10/97-OR.II]

K. C. KATOCH, Under Secy.

नई दिल्ली, 17 सितम्बर, 1997

का. आ. 2429.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन [भूमि में उपयोग के अधिकार का अर्जन] अधिनियम, 1962 [1962 का 50] की धारा 2 के खंड [क] के अनुसरण में केरल राज्य सरकार से प्रतिनियुक्ति पर उप कलेक्टर श्री ए.टी. जेम्स को, भारत पेट्रोलियम कारपोरेशन लिमिटेड, कोचिन- कोयम्बतूर-करूर पाइपलाइन परियोजना से संबंधित केरल राज्य के राज्यक्षेत्र के भीतर उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है .

[का. सं. 31015/10/97-ओ आर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 17th September, 1997

S.O. 2429.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises Shri A.T. James, Deputy Collector, on deputation from Kerala State Government to Bharat Petroleum Corporation Limited, Cochin-Coimbatore-Karur pipeline project to perform the functions of the competent authority under the said Act within the territory of State of Kerala.

[File No R-31015/10/97-OR.II]

K. C. KATOCH, Under Secy.

नई दिल्ली, 19 सितम्बर, 1997

का. आ. 2430.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए.

और यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से उपाखण्ड अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप, मो रबिऊल कामाल, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया-बरोनी कूड पाइपलाइन परियोजना, डाकघर - खजनचक, बासुदेवपुर, जिला - मिदनापुर (पश्चिमी बंगाल) को कर सकेगा।

पुलिस थाना : खोयरासोल		जिला : ब्रीरभूम		राज्य : पश्चिमी बंगाल	
गांव	अधिकारिता सूची संख्या	घलाट संख्या	हेक्टेयर	आर	सेंटीआर
1	2	3	4	5	6
आनन्दनगर	12	1966	0	14	16
		35	0	2	15
बुधपुर	11	591	0	0	32
		592	0	0	65
दरीपुर	10	718	0	1	82
		712/1319	0	1	21
		712/1318	0	1	21
		715/1342	0	0	81
		559	0	2	83
केन्दुआकुरी	7	415	0	0	81
		551	0	0	50
		548	0	0	10
		547	0	0	70
		546	0	0	28
जन्मीओट	3	139	0	0	97
		1330	0	1	50

पुलिस थाना : दुधराजपुर		जिला : बीरभूम		राज्य : पश्चिमी बंगाल	
गांव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र		
			हेक्टेयर	आर	सेंटीआर
1	2	3	4	5	6
बौधग्राम	208	947	0	6	7
		875	0	8	9
		31	0	0	10
		403	0	0	10
		2363	0	0	10
		239	0	14	13
		2701	0	0	80
		1877	0	2	81
		2091	0	2	2
		2824	0	0	61
चन्द्रपुर	169	1886	0	0	20
		1743	0	1	62
		660	0	0	40
		518	0	0	3
		3427	0	2	83
		1864	0	0	31
		808	0	0	48
		206	0	1	97
		602	0	0	10
		807	0	0	61
हेतमपुर	143	254	0	0	81
		255	0	1	62
		130	0	1	62
मोहनपुर	142	368	0	0	81
मुनेदी	110	74	0	0	81

1	2	3	4	5	6
जंगल दुबराजपुर	138	1508	0	1	62
पंडितपुर	111	1132/1692	0	2	2
		1717	0	7	28
	1	602	0	5	1
गोपालनगर	30	1182	0	50	80
खोलाकुडी	5	223	0	0	20
		209	0	1	21
इस्लामपुर	140	831	0	17	7

पुलिस थाना : इस्लामबाजार जिला : बीरभूम राज्य : पश्चिमी बंगाल

गांव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र		
			हेक्टेयर	आर	सेंटीआर
1	2	3	4	5	6
माटीकोना	115	1045	0	1	46
पट्टियारा	106	1624	0	7	28
नृपतिग्राम	43	1341	0	0	40
		1330	0	5	30
धर्मपुर	46	1936	0	0	20
		1627	0	1	21
मुजुत	47	529	0	2	2
		6	0	6	7
		950	0	0	81
		951	0	1	62
खाल्का	48	1207	0	0	40

पुलिस थाना : बौलपुर जिला : बीरभूम राज्य : पश्चिमी बंगाल

गांव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र		
			हेक्टेयर	आर	सेंटीआर
1	2	3	4	5	6
चंदनपुर	110	3090	0	15	78
		3057	0	2	43

रूपपुर	52	343	0	7	89
		442	0	8	70
		429	0	0	81
		2933	0	0	81
		2982	0	6	56
		3063	0	0	81
		3074	0	0	81
		7420	0	0	81
		8183	0	4	5
		8231	0	15	78
		8271	0	15	78

[फा. सं. 31015/21/97-ओ आर. I]

के. सी. कटोच, अवर सचिव

New Delhi, the 19th September, 1997

S.O. 2430.—whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Haldia in the State of West Bengal to Barauni in the State of Bihar, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the Pipelines under the said land to Sh. Md. Rabiul Kamal, competent authority, Indian Oil Corporation Limited, Haldia - Barauni Pipeline Project, Post Office - Khanjanchak, Basudevvpur, District - Midnapur (West Bengal).

Schedule

Police Station: Khoyrasole District: Birbhum State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Anandanagar	12	1966	0	14	16
		35	0	2	15
Budhpur	11	591	0	0	32
		592	0	0	65
Haripur	10	718	0	1	82
		712/1319	0	1	21
		712/1318	0	1	21
		715/1342	0	0	81
		559	0	2	83
Kenduakuri	7	415	0	0	81
		551	0	0	50
		548	0	0	10
		547	0	0	70
		546	0	0	28
		139	0	0	97
Allot	8	1330	0	1	50

Police Station: Dubrajpur District: Birbhum State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Bodhgram	208	947	0	6	7
		875	0	8	9
Bhaluka	207	31	0	0	10
Birori	164	403	0	0	10

Rengna	163	2363	0	0	10
Dakshin Gopalpur	150	239	0	14	13
Pachiara	168	2701	0	0	80
		1877	0	2	81
		2091	0	2	2
		2824	0	0	61
		1886	0	0	20
		1743	0	1	62
		660	0	0	40
		518	0	0	3
		3427	0	2	83
Chandrapur	169	1864	0	0	31
		808	0	0	48
		206	0	1	97
		602	0	0	10
		807	0	0	61
Hetampur	143	254	0	0	81
		255	0	1	62
		130	0	1	62
Mohanpur	142	368	0	0	81
Nunedi	110	74	0	0	81
Jangal Dubrajpur	138	1509	0	1	62
Panditpur	111	1132/1692	0	2	2
		1717	0	7	28
Balijuri	21	602	0	5	1
Gopalnagar	30	1182	0	50	60
Kholakudi	5	223	0	0	20
		209	0	1	21
Islampur	140	831	0	17	7

Police Station: Illambazar District: Birbhum State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
Matikona	115	1045	0	1	46
Pachara	106	1624	0	7	28
Nripatigram	43	1341	0	0	40
		1330	0	5	30
Dharampur	46	1936	0	0	20
		1627	0	1	21
Shunut	47	529	0	2	2
		6	0	6	7
		950	0	0	81
		951	0	1	62
Salka	48	1207	0	0	40

Police Station: Bolepur District: Birbhum State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
Chandanpur	110	3090	0	15	78
		3057	0	2	43
Ruppur	52	343	0	7	89
		442	0	8	70
		429	0	0	81
		2933	0	0	81
		2982	0	6	56
		3063	0	0	81
		3074	0	0	81
		7420	0	0	81
		8183	0	4	5
		8231	0	15	78
		8271	0	15	78

श्रम मंत्रालय

नई दिल्ली, 22 अगस्त, 1997

का.आ. 2431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रवर्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में, औद्योगिक अधिकरण, कोलम के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-97 को प्राप्त हुआ था।

[सं० एल-22012/292/एफ/92-आईआर (सी-II)]

एस. रविश अली, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 22nd August, 1997

S.O. 2431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 20-8-97.

[No. L-22012/292/F/92-IR(C-II)]
S. RAVISH ALI, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated, this the 7th day of August, 1997)

PRESENT:

Sri C. N. Sasidharan, Industrial Tribunal.

IN

Industrial Dispute No. 6/96

BETWEEN

The District Manager, Food Corporation of India, Dist. Office, Vailanthura, Trivandrum.

(By Sri P. R. Gopalakrishnan, Advocate, Trivandrum).

AND

The General Secretary, Food Corporation of India Employees Association, CITU House, Trivandrum.

(By Sri S. Radhakrishnan, Advocate, Trivandrum).

AWARD

This dispute has been referred for adjudication by the Government of India as per Order No. L-22012/292/F/92-IR(C-II), dated 27-3-1996.

The issue for adjudication is the following:

"Whether the action on the part of the management of Food Corporation of India in terminating the services of Sri A. Sainalabdeen, Watchman w.e.f. 27-8-1979 is legal and justified? If not, to what relief the workman is entitled?"

2. The workman involved in this dispute Sri A. Sainalabdeen has filed a claim statement and the contentions are briefly as under: The workman was a watchman under the management. While working so he was sanctioned 54 days leave from 2-7-1979 to 24-8-1979 to attend his ailing uncle at Abudabi. The request of the workman for extension of the leave was not sanctioned. Later he came to know that the authorities were attempting to terminate his services and he expressed his readiness to join duty. But his services were terminated in the meantime against the provisions contained in the Regulation, and also against the provisions of the Industrial Disputes Act. No enquiry was conducted

before terminating his services and he was not afforded any opportunity to defend his case. The action of the management is in violation of provisions of law and against principles of natural justice. The workman filed an appeal against the order of termination before the zonal manager. But it was dismissed as belated. Thereafter he moved the Asst. Labour Officer. But the recommendation of the Asst. Labour Officer for reference was rejected by the Union of India. The workman challenged the rejection of reference before the High Court of Kerala and the High Court directed to reconsider the matter afresh. Accordingly the matter has been referred again. The prayer is for reinstatement of the workman in service of the management.

3. The management opposes the claim of the workman. Their contentions are briefly as under: The claim is not maintainable under law and it is barred by limitation. The request of the workman for 54 days leave was granted upon strict condition that he should join duty on the expiry of the leave. But he did not report for duty on the expiry of leave and requested for extension of leave from 27-8-1979 to 10-9-1979 on the ground of illness of his relative at Abudabi. He again sought leave from 16-9-1979 to 31-12-1980. The management had rejected the leave applications and it was communicated to the workman in his Abudabi address which was returned as unclaimed. The non-reporting for duty after the expiry of leave tantamount to gross misconduct and show cause notices were published in newspaper seeking explanations from the workman for unauthorised absence from 25th August, 1979. It was also informed that failure to submit explanation within 30 days may render his services terminated without further notice. The workman by letter dated 12-2-80, from Abudabi informed about his inability to leave his uncle there and further sought for treating his reply letter also as leave application for 20 days from 28-8-1979 to 15-9-1979 and for a further period on loss of pay for 473 days from 16-7-1979 to 31-12-1980. The workman has not expressed his readiness to join duty as alleged. He was visibly engaged in alternate employment in a foreign country. The management vide letter dated 21-4-1980 also reminded him to rejoin duty or tender explanation. It was also informed that his failure to respond would be construed as voluntary abandonment of service and his service would stand terminated under Regulation 19(4) of FCI Staff Regulation, 1971 (the Regulation for short). There was no reply from him and the management had no other option but to terminate his service. The action of the management are perfectly in order. There was no violation of the provisions of law and principles of natural justice. The workman after his repatriation or losing of employment in UAE and after lapse of several years made a representation seeking reinstatement which was rejected by the management. Thereafter the workman had sought expeditious payment of service dues. The workman suppressing all these facts moved a representation dated 2-6-1986 as an appeal after a period of six years of the receipt of communication of the termination order and conciliation of all other proceedings. Conduct of an enquiry in view of the peculiar circumstances of the case is not necessary. His readiness to rejoin duty after his departure to Abudabi in 1979 was expressed after 3 years continuous stay and employment in a foreign country. By letter dated 2-6-1986 the workman had sought disbursement of terminal benefit or in the alternative reinstatement in job. Another letter dated 22-12-1986 was also received by the management with same request which was rejected. According to the management the action in terminating the service of the workman with effect from 27-8-1979 is legal and justified and the workman is not entitled to get any relief in this dispute.

4. The workman examined himself as WW1. Exts. W1 and W2 have also been marked on his side. The management has not adduced any oral evidence. However Exts. M1 to M20 have been marked on the side of the management.

5. The workman is attacking his termination from the service of the management mainly on the ground that he has been terminated without conducting any domestic enquiry and without affording sufficient and reasonable opportunity to defend his case. According to the learned counsel for the workman the action of management is violative of the principles of natural justice and Article 14 and 21 of the Constitution of India. The management tries to justify their action contending that the workman in spite of repeated notices and paper publication did not join duty and hence his services were terminated as per Ext. M13

Ext. M7 dated 26-8-80. The workman has applied for 37 days leave from 2-7-1979 to 24-8-1979, which was sanctioned by the management. According to him he went to Abudabi to attend his uncle who was not keeping well there. Thereafter admittedly he has applied for extension of leave including leave on loss of pay as per Ext. M2 to M5 applications, stating that his presence was highly necessary in Abudabi due to the illness of his uncle. The management has rejected the request of the workman and published notice in daily newspaper. According to the workman he came to know of the paper publication only on 20-8-1980 from the letter received by him from the management. As per Ext. M6 letter received by the management the workman has stated all the details of his leave applications and the notice published by the management in the newspaper. The management before issuing Ext. M13 termination order issued Ext. M12 proceedings giving show cause notice to the workman to give explanation within 30 days failing which it will be considered that he had voluntarily abandoned the service of the corporation and his service will stand terminated under Regulation 19(4) of FCI Staff Regulation, 1971 (the Regn. for short) w.e.f. 27-8-1979. It is not known whether Ext. M12 proceedings was received by the workman before the management issued M13 termination order. He has however admitted receipt of Ext. M12 proceedings stating that he has replied giving explanation which is evident from Ext. M6 letter. The management however terminated the service of the workman as per Ext. M13 proceedings without holding any enquiry.

6. The workman has filed Ext. M7 appeal against his termination which was dismissed by the management as abated. Thereafter the workman has submitted Exts. M8 to M10 representations stating all the details of leave applications and expressing his readiness to join duty and requesting reinstatement in service. But the management failed to consider those representations.

7. The management justified their action relying on Regulation 19(4) of the Regulations and the powers vested with the management under Rule 63(ii) of FCI Staff Regulations, 1972. No doubt under Regulation 19(4) the management has the power to terminate the service of an employee as a result of disciplinary proceedings. But this regulation does not give any power to the management to terminate the service of an employee without holding a domestic enquiry into the charge levelled against the workman. Under Rule 63(ii) mentioned above enquiry can be dispensed with if it is not reasonably practicable to hold an enquiry. But in Ext. M13 proceedings there is no whisper regarding the reasons for not holding an enquiry. The management is bound to state the reasons for dispensing with an enquiry before terminating service of an employee. That is not done in this case. Admittedly the workman applied for leave from a foreign country and it cannot be said that it is a case of unauthorised absence. It is true that the management has rejected two leave applications and published notice in the newspaper informing the workman to join duty and also the consequences of his failure of not joining duty. But the management has not ordered a domestic enquiry affording opportunity to the workman to defend and prove his case. According to the workman his presence was highly necessary in Abudabi to look after his ailing uncle. The management ignoring such explanation and not even stating any reason for dispensing with the enquiry straight away terminated the service of the workman. According to the management the workman was gainfully employed in a foreign country and that is the reason for not joining the duty. It is also contended that without any job a person cannot continue such long years in a foreign country which also shows that he was employed there. But there is no evidence before this Tribunal in support of these contentions. In these circumstances I have no hesitation to hold that the action of management is in violation of the principles of natural justice and Article 14 and 21 of the Constitution of India and is liable to be quashed.

8. The above view is supported by a decision of the Supreme Court in D. K. Yadav v. J. M. A. Industries Ltd. (1993 11 LJ 696). That was a case in which the workman absented from duty continuously for more than 8 days without leave or prior information or intimation or previous permission from the management.

Therefore he was deemed to have left the service of the company on his own account and lost his lien and the appointment under specific provision in the certified standing order of the company. Even then the apex court held that the action of management without holding enquiry offended Article 14 of the Constitution of India and violative of the principles of natural justice. The observation made by the court in para. 13 is worth quoting as below :—

"It is thus well settled law that right to life enshrined under Art. 21 of the Constitution would include right to livelihood. The order of termination of the service of an employee/workman visits with civil consequences of jeopardising not only his/her livelihood but also career and livelihood of dependents. Therefore, before taking any action putting an end to the tenure of an employee/workman fair play requires that a reasonable opportunity to put forth his case is given and domestic enquiry conducted complying with the principles of natural justice. In D.T.C. v. D.T.C. Mazdoor Congress (supra) the Constitution Bench, per majority, held that termination of the service of a workman giving one month's notice or pay in lieu thereof without enquiry offended Art. 14. The order terminating the service of the employees was set aside.

The High Court of Andhra Pradesh in a recent decision between the Chief Engineer Central Zone Andhra Pradesh State Electricity Board and Others and K. Nagathema [(1996) 11 LJ 1121] also held as above. In that case also the allegation of the employee was that he absented unauthorisedly leading to a charge of misconduct from the part of the employee. The court relying on the aforementioned Supreme Court decision held that the charge of misconduct and enquiry should be held before passing order of removal from service or such unauthorised absence.

9. The learned counsel for the management would contend that before terminating the service of the workman the management has given him ample opportunity by issuing notices and also through paper publication informing the consequences of non-joining duty. According to the learned counsel enquiry was not necessary in such a case. Reliance was placed on the decisions of Supreme Court in support of the argument. It is no doubt true that the management has published notice in two daily newspapers directing the workman to join duty and also informing the consequences of non-joining duty. But the management has not conducted a domestic enquiry affording opportunity to the workman to defend his case. Therefore the issuance of notices or paper publication will not justify the action of management for not holding a domestic enquiry into the misconduct of unauthorised absence alleged against the workman.

10. The first authority cited by the learned counsel in support of the above argument is that of the Supreme Court in State Bank of India v. B. K. Jain (AIR 1972 SC 148). The learned counsel has invited the attention of this Tribunal to para 33 of the judgement wherein extract from an earlier decision of the Supreme Court reported in (AIR 1965 SC 1803) is quoted. There it was held that if an employer failed to make an enquiry before dismissing or discharging a workman it is open to him to justify the action before the Tribunal by leading all relevant evidence before it. But the apex court in a latest decision reported in 1993 2 LJ 696 (supra), held that termination of service without holding domestic enquiry has offended Article 14 of the Constitution of India. Further the management in the case before me failed to establish that the workman unauthorisedly absented or gainfully employed in a foreign country. Therefore the decision of the Supreme Court now relied on by the management according to me will not come to the help of the management. The next authority cited is also of the Supreme Court in Shivaji Atmaji Sawant v. State of Maharashtra (AIR 1986 SC 617). In that case a Head Constable in the Armed batch was dismissed from service after dispensing with the enquiry. The propriety of the action was considered by the Supreme Court. There the reasons why it was not practicable to hold the enquiry was clearly set out in the dismissal order itself. Therefore the apex court held that the argument for not conducting the enquiry was unsustainable. But in the instant case before me there is no whisper regarding the reasons for not holding enquiry into the charge

alleged against the workman. Even before this court the management has not stated that it was not practicable to hold an enquiry. For these reasons this decision also is of no help to the contention of the management.

11. The management has a contention that the claim of the workman is not maintainable under law as it is barred by limitation. No doubt the services of the workman were terminated as per Ext. M 13 proceedings dated 20-8-1980 and this reference has been made in the year 1990. But it is evident from the records that the workman had been fighting against his termination from the year 1980 onwards. Against Ext. M13 proceedings dated 20-8-1980 the workman had submitted Ext. M 6 representation which was received by the management on 22-9-1990 as per endorsement in Ext. M-6. Thereafter he has filed Ext. M-7 appeal on 24-12-1980 and Exts M8 to M10 representations in the year 1983. It may be recalled that he was staying in a foreign country and the delay in submitting his representations has to be viewed in that perspective. It is also noticeable that there is nothing to show that the management has responded Exts M8 to M10 representations. Then on 22-12-1986 the workman submitted Ext. M14 appeal petition before the Regional Manager. Having failed to get any favourable order from the management the workman approached labour authorities which resulted in this reference. The labour authorities initially refused to refer the dispute and then the workman had to approach the High Court. There is thus delay occurred in getting the matter referred for adjudication. It is thus clear that the workman has been prosecuting the matter since the year 1980 and it cannot held that the claim is barred by limitation. Therefore this contention of management is unsustainable.

12. In view of the above conclusion, an award is passed holding that the action on the part of the management of FCI in terminating the service of Sri A. Zainalabdeen, Watchman w.e.f. 27-8-1979 is illegal and unjustified and the workman is therefore entitled to get reinstatement in service with backwages and all attendant benefits.

C. N. SASIDHARAN, Industrial Tribunal.

APPENDIX

Witness examined on the side of the Workman

WW1. Sri. A. Zainalabdeen

Documents marked on the side of the Workman

Ext. W1. Memo issued to the workman from the Deputy Manager of the management dated 17-1-1987.

Ext. W2. Photostat copy of the judgment of High Court of Kerala in O.P. No. 14708/93A.

Witnesses examined on the side of the Management.

Ext. M1. Application submitted by the workman to the Dist. manager of the management dated 23-6-1978.

Ext. M2. Leave application submitted to the Dist. Manager of management by the workman dated 16-9-1979.

Ext. M3. Leave application submitted to the Dist. Manager of management by the workman dated 21-8-1979.

Ext. W4. Leave application submitted to the Dist. Manager of management by the workman dated 16-9-1979

Ext. M5. Leave application submitted to the Dist. Manager of management by the workman dated 12-12-1980

Ext. M6. Representation submitted to the Dist. Manager from the workman dated nil.

Ext. M7. Representation submitted to the Dist. Manager from the workman dated 14-12-1980.

Ext. M8. Letter issued to the Regional manager of management from the workman dated 11-4-1983.

Ext. M9. Representation submitted to the Zonal Manager of the management Madras from the workman dated 8-6-1983.

Ext. M10. Letter issued to the Senior Regional Manager of the management Trivandrum from the workman dated nil.

Ext. M11. Memo issued to the workman from the Dist. Manager of the management Trivandrum dated 27-9-1979.

Ext. M12. Office copy of the proceedings of the Dist. Manager of the management dated 21-4-1980.

Ext. M13. Office copy of the proceedings of the Dist. Manager of the management dated 20-8-1980.

Ext. M14. Appeal petition submitted before the Regional Manager of the management Trivandrum from the workman dated 22-12-1986.

Ext. M15. Photostat copy of memo issued to the workman from the Deputy Manager of the management dated 17-1-1987.

Ext. M16. Photostat copy of Section 3 of the Staff Regulation 1971.

Ext. M17. Photostat copy of Section 4 of the Staff Regulation 1971.

Ext. M18. Photostat copy of Rule 63(2) of FCI Staff Regulation 1972.

Ext. M19. Photostat copy of Rule 25 of FCI Staff Regulation 1972.

Ext. M20. Postal envelope and acknowledgement.

नई दिल्ली, 22 अगस्त, 1997

कां.प्र. 2432--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, धनबाद नं० 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-97 को प्राप्त हुआ था।

[सं० एल-22012/232/एफ/91-आई. आर. (सी-II)]

एम. रविश अनी, डेस्क अधिकारी

New Delhi, the 22nd August, 1997

S.O. 2432--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 20-8-97.

[No. L-22012/232/F/91-IR(C-II)]

S. RAVISH ANI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 21 of 1992

PARTIES :

Employers in relation to the management of Food Corporation of India.

AND

Their Workmen

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri M. A. Khan, Asstt. Manager.

For the Workmen : Shri V. Kumar, State Jt. Secretary, FCI Executive Staff Union.

STATE : Bihar

INDUSTRY : Food

Dated, the 8th August, 1997

AWARD

By Order No. L-22012/232/F/91-I, R. (C-II) dated 4-3-92 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) and sub-sec. (1) and subsection (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Food Corpn. of India Ranchi, in not regularising the services of the workman Shri Suberon Sarker and denying wages etc. equal to regular Class-IV employees with effect from 13-5-82 is justified? If not, to what relief the workman is entitled and from what date?"

2. The workman and the sponsoring union appeared and filed written statement stating therein that the workman was employed by the management as casual workman on 13-5-82 to work as Class-IV post as casual water carrier/messenger/peon and he was putting signature on Attendance Register at District Office, FCI, Ranchi but from October, 1989 he was restrained from doing so without any notice and he is still performing the same duty and getting wages directly from the management. However, he was being paid less wages from October, 1989 than the regular Class-IV watchman and this mode of less payment has also been effected by the management just to non-regularisation of service. It is further said that as per FCI Headquarter Circular dated 6-5-87 all casual workmen who have worked for 90 days on or before 2-5-86 were to be regularised as Class-III & IV posts as per qualification and as many as 75 casual workers were regularised as Watchman Class-IV. It is further said that for regularisation in Class-IV post minimum qualification is 7th pass and for Class-III post except typists and stenographers the qualification is graduate. There is no prescribed qualification for the post of sweeper. The service of sweeper is utilised in the godown to sweep the grains. It is further said that the concerned workman is 7th class pass and has completed more than 90 days service as on 2-5-86 and he was entitled to be regularised in Class-IV post as per Headquarter Circular dated 6-5-87, but his service was not regularised by the management although some juniors to him were regularised and he was left out just to deprive him benefit of permanent workmen and this arbitrary action of the management was also unfair labour practice.

3. It is further said that due to non-regularisation of service he was getting much less payment of wages compared to other regular Class-IV watchman and even junior was getting about Rs. 2,200 and he was getting Rs. 300 to 350 per month, and no other facility was also been given to him.

4. It is further said that the workman and sponsoring union had requested the management several time for his regularisation in view of the Headquarter Circular dated 6-5-87 but it was not done. Hence the matter was raised before the A.L.C. and has claimed regularisation of the workman w.e.f. 13-5-82 with full wages and all other benefits and it is prayed that award be passed accordingly.

5. I further find that the management appeared and filed written statement stating, inter-alia, that the reference was not legally maintainable and the workman was part time casual worker doing duty of fetching water in buckets and filling the pitchers kept at District office, Ranchi and as such question of his regularisation as full time worker did not arise. The job of carrying water and filling the pitchers does not take much time and he works only for one or two hours and gets payment according to number of buckets of water supplied and he has no work to perform. It is said that the sponsoring union demanded for his regularisation as per Headquarter Circular dt. 6-5-87 but it is said that as per above circular regularisation all casual employees working for full time/daily rated employees and performing duties against regular employees were to be considered for regularisation having completed more than 90 days of continuous and satisfactory service and it was not meant for regularisation of part-time casual worker. It is also said that for such consideration for regularisation the workman must have requisite qualification and found suitable for Class-IV job. It is said that permanent Class-IV employees refused to perform the job of sweeping and cleaning the floor of the office and refused to perform the job of fetching water

in buckets and due to such unwillingness of Class-IV employees the management felt necessary of engaging a part-time casual worker for sweeping and cleaning the floor of the office and other part-time worker for fetching water and filling the pitchers and water reserver in the bath room and for that the worker was engaged as part time casual worker and his duty hour was only for one hour or so and he cannot claim regularisation. It is also said that there is no employer-employee relationship between the management and the workman and a part time employee cannot be a workman of the employer. The workman was also not under control of the management for entire and as such the claim of the workman was not justified and the action of the management for not regularising the service of the workman was fully justified.

6. I further find that a rejoinder to the written statement of the workman has been filed by the management denying the contention of the workman and the union specifically and parawise and the same is said to be not fully correct or in some cases being incorrect and were denied. It is finally said that award be passed in favour of the management holding the action of the management is justified.

7. No rejoinder has been filed by the workman to the written statement of the management.

8. On the basis of pleadings of the parties as taken in their written statement the point for consideration in this reference is—

(a) Whether the action of the management of F.C.I. in not regularising the service of the concerned workman, Suberon Sarker, and denying wages etc. equal to regular Class-IV employees w.e.f. 13-5-82 is justified

(b) If not, to what relief or reliefs the workman is entitled?

8. Both the points being inter-linked are taken together for their consideration.

9. I find that the management has examined as many as three witnesses in support of its case and MW-1 K.T. Mathai Assistant Gr. II at District Office, Ranchi MW-2 R. C. Prasad who was District Manager, FCI, Ranchi from September, 1989 to September, 1993 and MW-3 Narendra Nath Singh who was Asstt. Manager (General) at District Office, Ranchi in June, 1986 and from March, 1987 he became District Manager there. All the witnesses supported the case of the management given in written statement in their examination-in-chief. MW-1 has further proved 11 contingent vouchers marked Exts. M-1 to M-1-10 and some other vouchers were prepared in his name and the persons getting payment have put their signature on the vouchers and receipts enclosed with the vouchers are marked Exts. M-2 series. It is further said that Class IV employees do not to the job of water carrier or sweeper and such work is done by the casual worker which takes 2 to 3 hours for sweeping and 1 to 2 hours for doing the job of water carrier and a water carrier is paid at the rate of 0.25 paise per bucket of 5 litres and when water is not available in municipal pipe then it is drawn from the well and in such case he is paid wages at the rate of two buckets for supply of one bucket water only and he was not working for 8 hours a day. He has further stated that he was posted in District Office, Ranchi from July, 1984 and could not say that the workman was working there prior to his joining there. He has proved signature of Sri R. C. Prasad, District Manager, marked Ext. W-1 and has also proved signature of Sri I. B. Choubey on a paper marked Ext. W-2 and that of Sri A. V. Sudarsan, District Manager, marked Ext. W-3 and all these vouchers are for the period of October, 1989 and onwards, but could not say how the workman was being paid upto October, 1989. He has also said that Puspun Sarkar and M.L. Nabab both are regular watchmen posted in the office but could not say that both of them were regularised from 1988 as casual workmen. He has further denied that prior to October, 1989 the attendance of the workman was kept regularly by the management and was paid as a monthly rated workman and has denied that when he demanded for regularisation

in October, 1989 mode of payment was changed and it was made through contingent vouchers. He has denied that the workman was working for 8 hours in a day. He has further said that there is no post of regular sweeper and water carrier in their office. He also could not say that the workman was getting less wages than the regular Class-IV employees and he was also not getting other allowances. He has further denied that he was working as full time casual workman.

10. The evidence of MW-2 and MW-3 is on the same line and that they have stated that they knew the workman who was working as part time worker at their Ranchi Office. MW-2 could not say as to in which rate the workman was being paid for his duty but has said that he was being paid at the rate of bucket which he used to carry for filling the pitchers. He has stated that the workman was being paid from contingency fund and he has denied that the workman was working 8 hours duty or that he was employed as a casual worker. Since he had superannuated from service since September, 1993 he could not say as to whether the workman had been working or not thereafter. However, he has stated by his memory that the workman was stopped from work prior to his superannuation. In cross-examination he has admitted that the written statement was filed under his signature before the A.L.C. (C), Ranchi. He could not say that the workman was performing 8 hours duty before he joined at Ranchi FCI as District Manager. He could not say that he had changed his mode of payment from monthly wages to bucketwise payment, but he has admitted that when he joined he passed order that considering his performance the workman should be paid bucket-wise but whether copy of order was given to the workman or not he could not say. He has denied that the workman was employed for doing the work of messenger and cleaning the office.

11. MW-3 has also stated that the concerned workman was part time worker on daily wage basis and he used to fill water in the pitchers of the office in the morning for two hours. He has admitted that in Ext. W-2 in Col-7 the nature of work has been given and as the workman was not full time worker he was not given those works, except the work of fetching of water and payment was made to the workman after obtaining receipt from him which has been exhibited in this case. He has denied that the workman used to work full time but wages at lesser rate. During his period and thereafter also the workman was paid remuneration bucketwise, but could not say how he was being paid wage prior to that period whether it was daily rate basis and monthly rate basis. He has not made order for making payment to the workman bucketwise but he was doing so. He has further stated that Sri Ram Chandra Prasad took charge from him as District Manager in September, 1989 but has denied that before that the workman was being paid on monthly rate basis. He has also denied that the workman always worked full time but after the dispute was raised, he was showed on paper that he was working part time basis. He has also admitted that Ext. W-2 was signed by the District Manager who was superior to him. He has denied that the workman was cleared for regularisation but he was not regularised in service only because he was then only 6th pass. He has also denied that out of the six workmen mentioned in Ext. W-2 all were full time workers including the concerned workman. There is no other witness on the part of the management.

12. Two witnesses have been examined on behalf of the workman WW-1 Binod Kumar Roy who was posted at Ranchi FCI from February, 1983 to December, 1992 and he knew the workman who was working at Ranchi District Office as casual worker and payment was made to him through bill and when Mr. R. C. Prasad joined as District Manager mode of payment to the workman was changed and for that no notice was given to the workman or to the union. He was doing miscellaneous work in the Office and also carrying Dak. There is no difference in the work of the workman and regular Class-IV staff, and he was working for the full office hour. Other workmen junior to him were regularised in service in the year 1988. He has further stated that vide Ext. W-2 and W-3 the workman was shown as water carrier-cum-messenger and watchman and all those works were done by him, but he was getting less wages compared to regular Class-IV staff and without facility. He has also stated that his regularisation was illegally withheld and there are still number of vacancies in Class-IV posts.

13. The evidence of WW-2, the concerned workman, is similar and on the same line to that of WW-1. He has stated that since 1982 he was working at FCI, Ranchi as water carrier and messenger and there was no difference of work in his work and Class-IV employees, but he was getting much less than regular Class-IV employees. It is further stated that other co-workman, Puspendu Sarkar, Md. Nabab, Ajay Kumar and Sheopujan Thakur were working as casual workmen like him, were regularised by the management in service in the year 1988 and some of them were junior to him in the length of service, but he was left out. His mode of payment from monthly rate basis to bucketwise basis was changed in the year 1989 at the time of Sri R. C. Prasad, District Manager and nothing was given to him in writing, but he was getting payment directly from the management of FCI.

14. In cross-examination both of them have stated that WW-1 was Assistant Grade-III in FCI for last 10 years and was working at the depot.

15. WW-1 has further stated that FCI Godown and office is at a distance of 14 K.M. and he used to go to District Office for work with permission from Asstt. Manager. Allotment of work at District Office to the messenger and Class-IV staff were made from District Office and not from Godown. He has further stated that the District Secretary of FCI Executive Staff Union and he did not come through any Office Order about engagement of the workman for performing particular work in the depot. He has denied that he was adducing falsely.

16. WW-2 has stated that he did not get any written order for his work and also stated that besides him there were other permanent workmen working in the Office and Basudev Munau co-worker was working as Peon there. Nothing was asked from him in cross-examination on his evidence as given in his examination-in-chief and this witness stand un rebutted and without any denial.

17. Some documents have been filed by the management which have been marked Exts. M-1 series photo copy of contingent vouchers of different dates from 1989 onwards upto July, 1992 and Ext. M-2 series are supporting receipts of payment of the workman. Ext. M-3 is photo copy of FCI Staff Position but without bearing signature of any person.

18. Similarly the workman has also filed a number of documents which is Ext. W-1 photo copy of comments filed by the management under the signature of Sri R. C. Prasad, District Manager before the Asstt. Labour Commissioner (C), Ranchi. Ext. W-2 photo copy of statement casual employees of District Office, Ranchi and the name of the concerned workman finds place in Sl. No. 3 of District Office, Ranchi. Ext. W-3 is similar statement dated 17-8-87 and the name of the workman finds place in Sl. No. 4 and both the statements are duly signed by the District Manager. Ext. W-4 is circular of Headquarter dated 6-5-87 and vide para 4 all casual workmen/daily rated employees who had completed more than three months of service as on 2-5-86 were to be regularised and age limit was to be relaxed. Ext. W-5 is the letter given by the sponsoring union to the A.L.C. (C), Ranchi dated 8-1-91, Exts. W-6 and W-6/1 are statements showing vacancy position as on 31-8-90 and 31-8-96 and Ext. W-7 is a letter dated 18-4-84 written to the District Manager, Ranchi by Food Store, Dhanbad and Ext. W-8 is copy of award dated 27-3-92 passed by Central Government Industrial Tribunal No. 2, Dhanbad by which the award was passed by the learned Tribunal and the retrenched workmen were allowed reinstatement in service with effect from 1-10-1995 were to be regularised as watchmen with back wages. There is nothing to show on record that this award passed by the Central Government Industrial Tribunal No. 2, Dhanbad, was challenged by the management before the Hon'ble High Court or that the same has not been implemented by the management of FCI.

19. While arguing it has been submitted on behalf of the management that the concerned workmen was simply engaged for sweeping and fetching water from nearby taps in buckets and filling the drums and pitchers and for which he was engaged only for 1 to 2 hours a day and he was simply part time casual worker and was not entitled for

regularisation in view of the circular dated 5-5-87 (Ext. W-4). It is also submitted that oral evidence of MW-1 to MW-3 and the documents Exts. M-1 to M-2 series go to prove this fact amply clear. It is submitted that WW-2 has admitted that in Ranchi District Office there was one Class-IV employee Sri Murmu as full time Class-IV, as such there was no necessity of other Peon in the Office. However the staff position of Ranchi District Office has not been filed to show that only one Class-IV staff Peon/Watchman/Messenger etc. was the strength in the office. It is also said that the workman did not work as messenger/peon on regular basis and he could not claim for regularisation in view of the circular dates 6-5-87. It is also submitted that the workman was being paid piece rated basis per bucket of water fetched by him per bucket rate vide Exts. M-1 and M-2 vouchers and receipts from October, 1989 onwards. However the management has not denied the workman's contention that prior to 1989 he was being paid time rated on monthly basis and after joining of MW-2 the then District Manager and as per his order the system of payment to the workman as piece-rate per bucket basis was introduced just to deny the claim of the workman and for which no notice was given to the concerned workman violating the provision of Section 9A of the I.D. Act. This point has not been replied at all by the management. I also find from Exts. M-1 and M-2 series that the concerned workman was engaged for sweeping of floor and fetching water but nowhere such part time casual worker has been mentioned either in the vouchers or in the bills produced by the management and there is no documentary proof at all to show that the workman was working as part time casual worker rather in these vouchers Ext. M-1 series it is categorically mentioned that the workman was being paid for being engaged as sweeper for cleaning office and carrying water which is clear from Ext. M-1 for the month of September, 1989. Other voucher is likewise and it also clear that sanction from District Manager has been taken for engagement of this concerned workman.

20. It is also submitted that the workman was not fulfilling requisite academic qualification for engagement as Class-IV worker nor he has completed 240 days attendance in 12 calendar months and in any year and as such the action of the management for not regularising the concerned workman was fully justified and the workman is not entitled for any relief as claimed.

21. On the other hand, it is submitted on behalf of the workman and the sponsoring union in their written argument that the workman was engaged as casual Class-IV workman on 13-5-82 in the District Office, FCI, Ranchi for working as sweeper/messenger/water carrier/watchman and he was doing all other job of regular class-IV staff and earlier he was being paid monthly rate basis and his attendance was being marked in Attendance Register for the staff of the office but from October, 1989 all of a sudden by order of the then District Manager this system was changed without any notice or information to the workman and he was ordered to be paid piece-rate basis as per bucket supply of water made by him and this is utter violation of Section 9A of the I.D. Act and the action of the management was not valid. It is further submitted that MW-2 has admitted in cross-examination that such order for payment, on the basis of bucketwise water supply made by the workman was passed by him but he could not say prior to October, 1989 on what basis payment was being paid to the workman. It is further submitted that as per Ext. W-4 circular dated 6-5-87 he has also completed more than 90 days of continuous and regular work with the management on or before 2-5-86 and his name was also referred by the then District Manager, FCI, Ranchi, for his regularisation vide Exts. W-2 and W-3 series and where job description of the workman has been given as collection and distribution of water, carrying files, daks and distribution of local letter etc. and cause of engagement has been shown as non-availability of messenger and he was engaged by the then District Manager with due sanction from the superior officer in Ext. W-3. It is clear that the workman completed 90 days of work as on 2-5-86 vide Ext. W-4 and his name alongwith other four casual workmen were referred for regularisation and all those four other co-workers have been regularised in service, namely, Puspun Sarkar, Ajov Kumar and Sheo Pujan Thakur and some of them were junior to him in the length of service but the case of the workman was left from regularisation and this was discriminatory and arbitrary action of the management. It is further submitted that vide Ext.

W-6 and W-7 uptodate staff position of FCI, Bihar Region has been given whereas a number of vacancies in Class-IV staff in Bihar Region has been shown and this exhibit has not been challenged by the management nor any uptodate staff position showing vacancy has been filed by the management. It is also pointed out vide Ext. M-3 job description of the staff in FCI has been given in photo copy without bearing signature of any person nor been attested or certified to be true copy, hence nothing can be said about this photo copy of statement filed by the management.

22. It is further pointed out that vide Ext. W-8 award passed by the Central Government Industrial Tribunal No. 2, Dhanbad in similar position relating to reinstatement and regularisation of Class-IV as Watchmen at FCI has been filed on behalf of the workman and that award has been implemented by the management and the case of the workman even on far better footing as he was working from 1982 till 1992 as per documents filed by the management vide Ext. M-1 and M-2 series and when dispute was raised by him he was stopped from work without giving any notice or notice compensation to the workman violating the provision of Section 25F of the I.D. Act.

23. It is further submitted that the workman completed more than 240 days attendance in 12 calendar months for many years working with the management and this is unfair labour practice adopted by the management that for taking service from the workman paying less wage compared to regular staff for so many years his regularisation has been denied whereas other four workmen were regularised in service in the year 1988 in view of Headquarter circular vide Ext. W-4. It is further submitted that educational qualification of the workman has been noted in col. 4 vide Ext. W-3 statement prepared by the District Manager, Ranchi in September, 1987 and minimum qualification for Class-IV employee is VIIIth class pass and it has been claimed that the workman is Class-VI pass and he is possessing requisite qualification for being engaged as Class-IV workman and sweeper/watchman qualification requires for only knowing reading and writing, as such there is no truth at the contention of the management that he does not possess qualification required for being regularised in Class-IV Watchman/Sweeper.

24. It is also pointed out that Exts. M-1 and M-2 series are simply paper arrangement to deny regularisation of the workman, but it is clear from Exts. W-2 and W-4 the statements prepared by the District Manager, FCI, Ranchi and also as per evidence both oral and documentary that he has completed more than 90 days of regular work with the management as on 2-5-86 and have also completed more than 240 days of regular work in 12 calendar months in a year and for so many years together and so he was entitled for his regularisation as his work was stopped without notice or notice compensation violating the provision of Sec. 25F of the I.D. Act. Admittedly his service condition was also changed from time rated work to which payment was being made to him prior to October, 1989 but after joining of MW-2 and as per his order payment of wages was being made to him on time rated basis on calculation of number of buckets of water supplied by him and this payment was also very less than what payment to regular staff is made by the management.

25. On all these counts I find that the action of the management and plea taken for not regularising the workman in view of the circular (Ext. W-4) and also stopping of work during pendency of the dispute and also changing service condition regarding payment of wages to the workman from October 1989 is clear violation of provision under Sec. 9A of the I.D. Act, 1947 and the action of the management in not regularising the service of the workman when other co-workers were regularised in 1988 this action of the management cannot be said to be valid and justified and accordingly both the points are decided in favour of the workman and I also find that the workman is entitled for his regularisation in service with payment of back wages and other facilities.

26. It has come on record that other co-workers in the year 1988 have been regularised in view of the circular dated 6-5-87, as such the service of the workman as Class-IV workman should also be regularised from January, 1988. It is also

clear that he was being paid very less wages compared to regular Class-IV workman and his payment of wages was changed from time-rated to piece-rated from October, 1989 unilaterally and without any notice to the workman violating the provision of Sec. 9A of the I.D. Act, as such the workman is entitled for payment of full back wages from October, 1989 onwards minus the payment already has been given to him for all these period with all other benefits as admissible to Class-IV watchman. If the workman produces necessary documentary proof or evidence of academic qualification of Class-VII pass he should be regularised as Class-IV watchman and if not, then as sweeper from the date as mentioned above.

27. Hence, the award—The action of the management of Food Corporation of India, Ranchi, in not regularising the services of the workman, Shri Suberen Sarkar and denying wages etc. equal to regular Class-IV employees with effect from 13-5-82 is not justified. The management is directed to regularise the service of the workman as Class-IV Watchman/Sweeper (as per documentary proof of educational qualification produced) from January, 1988 and to pay full back wages with all other benefits admissible to Class-IV employees minus the amount already paid to him from October, 1989 onwards within two months of publication of the award in the Gazette of India.

However, there will be no order as to costs.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 22 अगस्त, 1997

कां.प्र. 2433.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधन के संबंध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, आसनसोल के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार का 20-8-97 को प्राप्त हुआ था।

[सं. एन-22012/82/96-आई प्रार (सी-II)]
एम. रविश अली, डेस्क अधिकारी

New Delhi, the 22nd August, 1997

S.O. 2433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of E. C. Ltd. and their workmen, which was received by the Central Government on 20-8-97.

[No. L-22012/82/96-IR (C-II)]
S. RAVISH Ali, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL
REFERENCE NO. 16/97

PRESENT :

Sri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Naingah Colliery of M/s. E. C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer—Sri P. K. Goswami, Advocate.

For the Workmen—None

STATE : West Bengal

Dated the 6th August, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/82/96-IR(C.II) dated 10-3-97.

"Whether the action of the management of Naingah Colliery under Sripur Area of ECL in denying wage protection to Smt. Seva Razak, Chep Baidayakar, Kanti Bouri and Talemuni Mejhain on their conversion from piece rated workers to time rated Mazdoors is legal and justified ? If not, to what relief the concerned workmen are entitled ?"

2. As reflected in the reference itself its copy was duly sent by the ministry to the union with direction to file statement of claims in the Tribunal within 13 days from its receipt. No response on its basis. Apart from that, Registered notice to the union from the Tribunal returned back undelivered, on the ground that Office of the union was closed. It seems receipt of the Registered notice was avoided by the Union.

3. 'No Dispute Award' is accordingly passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 22 अगस्त, 1997

AWARD

का. आ. 2434.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-97 को प्राप्त हुआ था।

[संख्या एल—22012/83/96—आई आर. (सी-II)]
एस. रविश अली, डेस्क अधिकारी

New Delhi, the 28th August, 1997

S.O. 2434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of E. C. Ltd. and their workmen, which was received by the Central Government on 20-8-1997.

[No. L-22012/83/96-JR. C.II]
S. RAVISH ALI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 15/97

PRESENT :

Shri R. S. Mishra,
Presiding Officer.

PARTIES :

Employer in relation to the management
of Sripur Seam Incline of (M/s.
E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer : Sri P. K. Goswami,
Advocate.

For the Workmen : None.

Industry : Coal. State : West Bengal.

Dated the 6th August, 1997.

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/83/96-IR(C.II) dated 10-3-1997.

“Whether the action of the management of Sripur seam incline Colliery under Sripur Area of ECL in deploying piece rated wagon loader in time rated underground jobs but denying them regularisation and wage protection as per NCWA-IV in their respective categories is legal and justified? If not, to what relief the concerned workmen are entitled?”

2. The union duly received notice by Registered Post, as reflected from the postal acknowledgement card. But it neither appeared nor filed statement of claims. Apparently not interested in the dispute.

3. ‘No Dispute Award’ is accordingly passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 27 अगस्त, 1997

का.आ. 2435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ए० सी० सी० लि० के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-97 को प्राप्त हुआ था।

[सं० एल-29012/73/94-आई आर (विविध)
सं० एल-29012/72/94-आई आर (विविध)
सं० एल-29012/80/94-आई आर (विविध)
सं० एल-29012/78/94-आई आर (विविध)]

बी० एस० डेविड, डेस्क अधिकारी

New Delhi, the 27th August, 1997

S.O. 2435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. A.C.C. Ltd., Kymore and their workman.

which was received by the Central Government on the 27-8-97.

For Management : Shri R. Puranik, Advocate.

[No. L-29012|73|94-IR (Misc.)

L-29012|72|94-IR (Misc.)

L-29012|90|94-IR (Misc.)

L-29012|78|94-IR (Misc.)

AWARD

Dated, the 21st of July, 1997

These are four references made by the Central Government for adjudication in respect of dismissal of S|Shri D. K. Pyasi, Azad Kumar Pandey, Malque Edward and Hari Singh w.e.f. 25-1-94 vide order dt. 24-1-94.

ANNEXURE BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

1. Case No. CGIT|LC(R)(212)|1994.
(Notification No. L-22012|73|94-
I.R. (Vividh), dt. 17-11-84).
2. Case No. CGIT|LC(R)(216)|1994.
(Notification No. L-22012|72|94-
I. R. (Vividh), dt. 17-11-94).
3. Case No. CGIT|LC(R)(217)|1994.
(Notification) No. L-29012|80|94-
I. R. (Vividh), dt. 17-11-94).
4. Case No. CGIT|LC(R)(218)|1994.
(Notification No. L-29012|78|94-
I. R. (Vividh), dt. 17-11-94).

PARTIES :

BETWEEN

1. Shri D. K. Pyasi, Ex-Electrician-cum-Wireman, Kymore & Bamhangawan Lime Stone, A.C.C., Kymore, Distt. Jabalpur (MP) (Case No. CSIT|LC(R)(212)|94).
2. Shri Azad Kumar Pandey, Ex-heavy Equipment Operator, A.C.C. Ltd., Bamhangawan, Kymore, Distt. Jabalpur (M.P.).
(Case No. CSIT|LC(R)(216)|94).
3. Shri Mailku Edward, Heavy Equipment Operator, A.C.C. Quarry, Kymore, Distt. Jabalpur (M. P.)
(Case No. CGIT|LC(R)(217)|94)
4. Shri Hari Singh, T. No. 2|154, Ex-Machine Attendant, A.C.C. Quarry, Kymore, Distt. Jabalpur-482 880.

AND

The General Manager, A.C.C. Limited,
Kymore, Distt. Jabalpur (M.P.).

APPEARANCES :

For Workman : Shri S. K. Rao, Advocate.

Parties were noticed for filing of their respective statement of claims, documents, list of witnesses etc. They were also allowed a number of opportunities to file the same, but instead of filing their respective statement of claims etc. they have mutually arrived at a settlement dated 26-11-1996 in respect of all the aforementioned references and the workmen concerned. The management agreed to reinstate Azad Kumar Pendey and Malque Edward with effect from 1-12-1996 with continuity of service but without payment of any back wages whatsoever. In respect of Shri Hari Singh (Case No. R|218|94) the management agreed to pay a sum of Rs. 1,69,924.12 p. in lieu of reinstatement, back wages, compensation and all other claims. Shri D. K. Pyasi (Case No. R|212|94) has no claim in respect of his dismissal and her requested to dispose of his case for non-prosecution. Workmen concerned filed affidavits that they have amicably settled their case and also verified the settlement before this Tribunal.

The terms of settlement in respect of all the above four workmen concerned are as under:

TERMS OF SETTLEMENT

1. The Company agrees to reinstate Mr. Azad Kumar Pandey and Mr. Malque with effect from 01-12-96. with continuity of service but without payment of any back wages whatsoever.
2. The Company agrees to pay Mr. Hari Singh a sum of Rs. 1,69,924.12 in full and final settlement of the said workman's claim for reinstatement, re-employment, back wages, compensation and all other claims and legal dues arising out of his employment with the Company including his claim in case No. CGIT|LC(R)|218 of 1994.

3. In consideration of the Company having agreed to reinstate Mr. Azad Kumar Pandey and Mr. Malque Edward and in further consideration of the amount of Rs. 1,69,924.12 paid to Mr. Hari Singh, the workman Mr. D. K. Pyasi accepts his dismissal from the services of the Company with effect from 25-1-94 and agrees to file an application before the CGIT/Labour Court, Jabalpur in case No. CGIT/LC(R)/212/ praying that the said case be disposed of for non-prosecution.

4. The parties agree to jointly file this Settlement alongwith an application before the respective CGIT/Labour Court, Jabalpur (MP) before whom the case is pending for an Award disposing of the cases as settled in terms of this Settlement.

5. The workmen agree and undertake that the aforesaid Settlement is in full and final settlement of all their claims and dues and further agree and undertake not to raise or to be a party to any dispute or claim against the Company."

All the above four references are disposed of in terms of the settlement duly arrived at between the parties. Parties to bear their own costs.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 27 अगस्त, 1997

का०आ० 2436--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-97 को प्राप्त हुआ था।

[सं० एन-32012/14/89-आई आर (विवाद)]

जी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 27th August, 1997

S.O. 2436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management

of Calcutta Port Trust and their workman which was received by the Central Government on 17-8-97.

[No. L-32012/14/89-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No 9 of 1990

PARTIES:

Employers in relation to the management of Calcutta Port Trust.

AND

Their Workmen

PRESENT:

Mr. Justice A. K. Chakravarty, Presiding Officer

APPEARANCES:

On behalf of Management--Mr. G. Mukherjee, Senior Labour Officer and Mr. P. Roy, Labour Adviser.

On behalf of Workman--Mr. R. N. Chandra, President of the Union.

STATE : West Bengal INDUSTRY : Port Dock

AWARD

By Order No. L-32012/14/89-IR(Misc.) dated 18-4-1990 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Calcutta Port Trust in adjusting Shri Sachindra Nath Roy, Mistry (Electrician) working in Central Transport Department under Chief Mechanical Engineer of Calcutta Port Trust against a superannumerary post, though appointed through Employment Exchange, and subsequently denying promotion to the post of junior Supervisor is justified? If not, to what relief, the concerned workman is entitled?"

2. The Union's case, in short, is that the concerned workman, Shri Sachindra Nath Roy, was sponsored through Employment Exchange as a Scheduled Caste candidate for appointment as Mistry (Electrician) in the Central Transport Department under Chief Mechanical Engineer of Calcutta Port Trust and he was appointed in the said post after necessary interview as a Scheduled Caste candidate on 10-5-1977. He was allotted Item No. 3 and permanent status at the time of his appointment.

One Shri Anil Kumar Manna who was working in the said wing of the Central Transport Department as Fitter was promoted to the permanent post-

of Mistry in 1979. The post of the Fitter is a lower post than Mistry. Thus, though Shri Manna was junior to Shri Roy, still then, the management arbitrarily inducted Shri Manna to the post of Mistry in 1979 in the said wing of the Calcutta Port Trust. Consequent upon such appointment of Shri Manna as Mistry, Shri Roy, the concerned workman, was relegated to a supernumerary post in 1979 in the same cadre. The grievance of Shri Roy is that the management was, not justified in depriving him of his seniority in service as a Mistry and allot him a supernumerary post after his initial appointment in the permanent post as a scheduled caste candidate on any ground whatsoever, specially on the ground that the post was not reserved for scheduled caste candidate, several representations thereafter were made by Shri Roy to the management without any effect.

Thereafter, C.M.E., C.P.T. issued circular No. T.B./126/1156/82 dated 1-10-1982 by which a trade test was notified to be held on 23-11-1982 for appointment to the post of Junior Supervisor from among the departmental workers and Shri Roy applied for permission to appear in the said trade test. But it was postponed and Shri Roy was neither told on that date, nor on any subsequent date, the rescheduled date for the said trade test. Thereafter, Shri Roy went on leave from 24-11-1982 to 26-11-1982 and the management surreptitiously held the said trade test on 26-11-1982 without issuing any fresh circular and without allowing Shri Roy to appear in the said trade test for being considered for promotion to the post of Junior Supervisor. The prospect of promotion of Shri Roy having thus been blocked by the action of the management, he made representation on 30-11-1982 protesting against the whimsical and illegal action of the management and wanted to know why he was not allowed to appear in the said trade test. The management did not pay any heed to the complaint of the workman. It was alleged that since Shri Roy belongs to the scheduled caste community, the officers did not want his promotion.

The workman has further alleged that he was a victim of dual injustice, namely that even after rendering 2 years of service in permanent post, instead of getting the permanent status, he was relegated to a supernumerary post and that he was not allowed to sit in the trade test, thereby depriving him his chance of getting promotion. Shri Roy has further alleged that out of 5 persons who were promoted to the post of Junior Supervisor after his appointment, only Amir Ali was senior to him and the rest were his juniors.

The management having failed to render any justice to the workman, industrial dispute was raised in the year 1988, following an earlier one, in none of which any settlement could be arrived at.

It was further alleged that in CPT Transport Department there are nearly 10 trades, having different cadres with cadre-wise common seniority list for the department as a whole. There are 5 Mistries, 2 from the Electrical side and 3 from the Mechanical side and 3 Junior Supervisors and 3 Senior Supervisors have been promoted from the workers working in the cadre of Mistry belonging to both mechanical

and electrical trade, having common seniority list. Though the vacancy to the post of Junior Supervisor was reserved for scheduled caste candidate as per relevant roster at the relevant time, it could not be filled up by general candidate within the zone of consideration. Shri Roy being a S.C. candidate and being within the zone of consideration, his case ought to have been considered for promotion.

Thereafter, another circular No. TO/126/767/85 dated 9-8-1985 was issued where it was notified that a trade test would be held on 20-8-1985 for promotion to the post of Junior Supervisor from among the workmen working in that section and for that willing candidates may take the said trade test. The management however did not allow Shri Roy to sit in the said trade test and thus he was again deprived the chance of promotion to the post of Junior Supervisor.

Due to such persistent denial of promotion to Shri Roy, the union made representation to the Chairman and the Deputy Chairman and the union was finally informed that Shri Roy could not be considered for promotion to the post of Junior Supervisor as he was not within the zone of promotion. Shri Roy having thus been deprived of his right to get promotion in spite of experience and qualification, the union has raised the dispute praying for granting promotion to Shri Roy retrospectively from the date his juniors had been promoted by deservising the post reserved for scheduled caste candidates only.

2. The management of Calcutta Port Trust filed a written statement denying the allegations of the union. The case of the management, in short, is that the post of Mistry (Electrician) was created in 1975 to supervise job of Electricians in the CPT Central Transport Depot. The concerned workman Shri Roy was directly recruited as Mistry (Electrician) as his name was sponsored by the Employment Exchange on Point No. 1 of the hundred point roster maintained for candidates belonging to S.C./S.T. communities. Shri Roy being member of the S.C. community was recruited on the reserved point. Since it was single vacancy of 1977, it was later discovered that the said vacancy was an unreserved one. Following this, an industrial dispute was raised by the National Union of Water-front Workers before the Regional Labour Commissioner (Central), Calcutta for allowing promotion to the post of Mistry (Electrical) by a general candidate according to the seniority cum suitability. It was decided to create a supernumerary post of Mistry (electrician) and to post Shri Roy in the said supernumerary post in order to save termination of his service. Shri Roy was informed about the above position in writing. He also replied in writing on 20-11-1979 that he had no objection to the arrangement proposed by the management. He was retained in the said supernumerary post for the period 1979 to 1984 when a regular vacancy in the said post of "Mistry" was available. Retention of Shri Roy against the supernumerary post of Mistry from 1979 to 1984 had not prejudicially affected him. He received the same pay and allowance and other benefits as admissible to the Mistry (electrician), although working against the supernumerary post for a temporary period.

The management has further alleged that in the electrical side under the Central Transport Depot, Mistry (electrician) is the highest post available and it has no other source of promotion. There are 3 posts of Junior Supervisor in the Central Transport Depot, and these are promotional post for the employees attached to the mechanical side. These posts were never filled by the employees of the electrical side. Mistry (electrician) is not within the zone of promotion to the post of Junior Supervisor. There is no post of Junior Supervisor (electrical) in the Central Transport Depot. The management has further alleged that no injustice was done to Shri Roy as his service was retained in the supernumerary post till the post of Mistry reserved for the scheduled castes was found and that no staff junior to Shri Roy from the electrical side was promoted to the post of Junior Supervisor.

3. The schedule of reference requires two points for consideration by the Tribunal, namely :

- (i) Whether the workman concerned has been rightfully adjusted against supernumerary post, and
- (ii) Whether there is any justification in denial of promotion to the post of Junior Supervisor to the workman concerned.

4. In so far as the first point, namely, whether the adjustment of Shri Roy against supernumerary post in 1979 is concerned, the facts are more or less admitted. On 10-5-1977 on the basis of sponsoring of his name by the Employment Exchange as scheduled caste candidate for appointment to the post of Mistry (electrician), the workman was appointed to the said post. The post was also admittedly a newly created post and admittedly before creation of this post there was no scope for promotion of the Fitter Electrician. It is also an admitted fact that the appoint of Shri Roy to the post of Mistry (electrician) on 10-5-77 was a temporary one, initially for a period of six months only, as it will appear from the appointment letter Ext. W-1. The case of the management is that after such appointment it was detected that the vacancy was not reserved for the scheduled caste candidate and the vacancy was to be filled up from the candidates of the general category. The position is also not disputed by the concerned workman as he categorically admitted in the cross-examination that he could realise that he was given such post wrongly because the post was not meant for the scheduled caste candidate.

Apart from the evidence of the concerned workman it will appear from Ext. W-2 that the Chief Mechanical Engineer informed Shri Roy that though the post of Mistry (electrician) was un-reserved, the post was treated as reserved for scheduled caste through inadvertence and he was accordingly recruited against the vacancy illegally but in order to valid termination of his service a supernumerary post of Mistry (electrician) has been created by the administration. He was also asked in the said letter to signify his consent for any alternative appointment elsewhere on temporary basis till a permanent vacancy is available in the Central Transport Depot. The

workman gave his consent to the said proposal as it would appear from Ext. W-3. It is also an admitted fact that pursuant to that acceptance of supernumerary post the workman worked in the newly created supernumerary post of Mistry (electrician) from 1979 to 1984 without any protest. Shifting of Shri Roy from temporary post to the supernumerary post being thus based on his consent, there is hardly any scope for challenging the appointment of the workman in the said supernumerary post. As a matter of fact, the workman having been appointed against a reserved vacancy which was not available to the schedule caste candidate, the management must be said to have acted properly in creating a supernumerary post without terminating the service of the workman. It may also be remembered in this connection that retention of Shri Roy against supernumerary post of Mistry (electrician) for a temporary period from 1979 to 1984 has not prejudicially affected him in any way. He received the same pay, allowances and other benefits as admissible to the holder of the post of Mistry (electrician) during the said period. It is also an admitted fact that the workman got his permanent appointment in the post of Mistry (electrician) in 1984 when a vacancy in the said post occurred. The first point for consideration, namely, whether the management acted properly in adjusting the temporary service of Shri Roy to the supernumerary post, in the circumstances of the case, as stated above, must be answered in the affirmative.

5. In so far as the second point, namely, the alleged right of promotion of the concerned workman to the post of Junior Supervisor is concerned, the point for consideration would be whether the workman comes within the zone of consideration for appointment to the said promotional post.

6. The management's case in this matter is that the promotional post of Junior Supervisor was never available to the Mistry (electrician) and only the Mechanical Mistries are entitled to such promotion. A cloud was sought to be created on behalf of the union that the promotional post was reserved for the scheduled caste candidates and according the workman being a schedule caste candidate be ought to have been promoted. In this connection, there is hardly any evidence that the promotional post was reserved for schedule caste candidate. Further case of the union in this matter is that there being no difference between the Mistries working in the electrical side and mechanical side, eligible persons of both the wings are entitled to the promotion.

7. The management on the other hand has alleged that the Mistry (electrician) working under the Central Transport Depot is the highest post available in the electrical side and there is no other avenue for promotion from the said post. The 3 posts of Junior Supervisors in Central Transport Depot are the promotional post for the employees attached to the mechanical side. These posts were never filled by the employees of the electrical side. There is no post of Junior Supervisor (electrical) in the Central Transport Depot. In this connection, reference may be made to paragraph 49 of the Union's written statement where it is stated "that the Labour Advisor and

Industrial Relations Officer, Calcutta Port Trust under his No. ID(viii)/76[ESI, dated 31-8-1985 intimated that creation of post of Junior Supervisor in the scale of pay Rs. 670—1115 (in the scheme of skilled scale) has been approved in principle. The post, however, will be created after the government ban is lifted. It may be meant for the electrical side. "Not a single case was brought to the notice of this Tribunal wherein any promotion was made from Mistry (electrical) to the post of Junior Supervisor. The workman in his evidence admitted that he was never posted as Mistry (mechanical). He also admitted that when he was appointed, no one was employed as Junior Supervisor (electrical) and such post was never filled up. It is therefore clear that the post never existed. He further admitted in his evidence that after 1977 four persons were appointed as Junior Supervisor (mechanical) and he knew that they were appointed from Mistries of the mechanical side. He also admitted in his evidence that he never asked for promotion to the post of Junior Supervisor (mechanical).

8. From the above discussions it is clear that there was never any promotional post of Junior Supervisor (electrical). I have mentioned the letter from which it will appear that the Government is considering creation of such post. There was therefore no promotional avenue for Mistry (electrician). That position may work harshly for the workman but the Tribunal cannot create any new post, nor can it extend the privilege of promotion as it was available to the Mistries of the other wing (mechanical).

9. Before concluding, I may mention that under the service jurisprudence, promotion cannot be claimed as a matter of right. In the case of K. Jegadeesan-v-Union of India & Ors. reported in 1990 (1) LLJ 495 it was held that mere chances of promotion are not condition of service. In the instant case, the position of the workman is even worse as chances of promotion from the Mistry (electrician) had never existed.

10. Upon consideration of the facts and circumstances of the case and position of law as discussed above, I am of the opinion that the adjustment of the workman concerned to the supernumerary post of Mistry (electrician) cannot be said to be unjustified and since the workman never came within the zone of consideration for promotion to the post of Junior Supervisor, the question of denying promotion to the said post never arose at all.

11. The concerned workman accordingly shall not be entitled to any relief what-so-ever in the case.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 5th August, 1997.

नई दिल्ली, 3 सितम्बर, 1997

का. आ. 2437.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धन के मजदूर नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-97 को प्राप्त हुआ था।

[सं. एल-32011/6/95-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd September, 1997

S.Q. 2437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on 3-9-97.

[No. L-32011/6/95-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 18 of 1995

PARTIES :

Employers in relation to the management of Calcutta Port Trust

AND

Their workmen

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management—None

On behalf of Workmen—None

STATE : West Bengal INDUSTRY : Port

AWARD

By Order No. L-32011/6/95-IR(Misc.), dated 20-10-1995 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Calcutta Port Trust in declining to hold common test interview for the post of DEO-cum-I.O. Staff Librarian in the scale of pay of Rs. 1220—2220 at a time is justified? If not, to what relief the concerned workman i.e. S/Shri Prafulla Barick and Partha Banerjee are entitled?”

2. When the case is called out today, none of the parties appears and no step is taken by either of them in the case. The Union, even though filed a written statement, did not turn up on the last two occasions inspite of service of notice. It appears from the record that the parties are not interested in the matter.

3. In the aforesaid circumstances, in the absence of any material for any decision of the issue under reference, this Tribunal has no other alternative but to pass a No Dispute Award.

A “No Dispute” Award is accordingly passed. This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
Dated, Calcutta,
The 19th August, 1997

नई दिल्ली, 3 सितम्बर, 1997

का.आ. 2438.—औद्योगिक विवाद अधिनियम, 1947 (1997 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोज्जितों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-97 को प्राप्त हुआ था।

[न. एन 32011/8/96-आई.आर. (विवाद)]

बो.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd September, 1997

S.O. 2438.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on 3-9-97.

[No. L-12011/8/96-(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 1 of 1997

PARTIES :

Employers in relation to the management of Calcutta Port Trust

AND

Their Workmen

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management—None

On behalf of Workmen—None

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32011/8/96-IR(M), dated 27-12-96 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Calcutta Port Trust in reduction to a lower scale of pay in respect of Shri Rajendra Singh and 15 others ignoring the prescribed surplus/adjustment procedure Serial No. (i) of Calcutta Port Trust letter No. 4284/XI/E, dated 21-9-82 and depriving employees of their gradation increment (i.e. annual increment) even after rendering 12 months of qualifying service is justified? If not, to what relief the employees concerned are entitled to?”

2. When the case is called out today, none of the parties appears and no step was taken by either of them in the case. On earlier occasions also the parties did not turn up, inspite of service of notice. It is clear from the record that the parties are not interested in the matter.

3. In the aforesaid circumstances, in the absence of any material for any decision of the issue under reference, this Tribunal has no other alternative but to pass a No Dispute Award.

A "No Dispute" Award is accordingly passed.

AWARD

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 19th August, 1997

नई दिल्ली, 28 अगस्त, 1997

कां.प्र. 2439.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में इंडियन ऑयल कॉर्पोरेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 27-8-97 को प्राप्त हुआ था।

[सं. एन-30011/12/93-आई. आर. (विविध)

आई. आर. (सी-1)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1997

S.O. 2439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation and their workman, which was received by the Central Government on 27-8-1997.

[No. L-30011/12/93-IR (Misc.)/IR(C-I)]

BRAJ MOHAN, Desk Officer.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 111 of 1993.

Smt. Basanti Devi w/o. Late Ram Sukhas Gupta, Village Babutola Mauza Shaishaba P.O. Sardar Nagar, Gorakhpur.

AND

The Station Manager Indian Oil Corporation (Marketing Division) Aviation Fuel Station Kusumhi Air Field Gorakhpur.

APPEARANCE :

For the Workman : Shri V. P. Srivastava.

For the Management : Shri Jagat Arora.

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-30011/12/93-IR (Misc.), dated 13-12-1993, has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Indian Oil Corporation Ltd. (M/s.) Aviation Fuel Station Kusumhi Air Field Gorakhpur in terminating the services of Smt. Basanti Devi w/o. Late Shri Ram Subhas Gupta Temporary Safaiwala is justified, and legal? If not, to what relief is the workman is entitled?"

2. The case of the concerned work lady Smt. Basanti Devi is that her husband Ram Subhas Gupta was engaged as temporary safaiwala with the opposite party M/s. India Oil Corporation Limited at Aviation Fuel Station Kusumhi Air Field Gorakhpur. He died in harness due to Electrocution. The opposite party had paid the concerned work lady Rs. 24,000/- as compensation. Further she was given engagement as Mazdoor in October, 1991 on compassionate ground. She was entitled for full wages but she was paid Rs. 500/- per month. In this way she has completed more than 240 days. Her services were illegally terminated in February, 1993 without observing provisions of section 25-F of I. D. Act. There has also been breach of provisions of section 25-G and 25-H of I. D. Act.

3. The opposite party has filed reply in which it has been denied that the husband of the concerned work lady was an employee of the opposite party. Instead he was a contractor for cleaning sweeping and rendering corrier services. Rupees 24,000/- were given out of compassion. After the death of her husband the concerned work lady was also engaged as contractor for working cleaning and corrier services. As she was not engaged with the opposite party question of her termination does not arise.

4. In the rejoinder, it has been denied that the concerned work lady was engaged as corrier on contract basis.

5. In support of her case the concerned work lady Smt. Basanti has examined herself as W.W. 1. Further she has filed Ext. 1 to W-6. In rebuttal the opposite party has examined S. A. Khan Dy. Manager as M. W. 1. Further management has filed Ext. M-1 to M-4. In this case oral evidence is not of much consequence. Ext. W-3 a temporary pass issued by the Airforce in which the concerned work lady has been shown a temporary safaiwala. Thus entry has been made in due course of business and is relevant. On the basis of this entry alone, I accept the version of the concerned work lady and hold that she was engaged as Safaiwala. The opposite party has filed papers like application for appointment M-3 and M-4 to show that she was not in service as she has asked for service. These papers relate to June, 1993, whereas termination took place in February 1993, hence if after termination she has asked for service it would not go against the concerned work lady in any manner. Ext. M-1 and M-3 are the receipts by which the concerned work lady paid in the capacity of contractor to show that she was not contractor of the opposite party. I am of the view

that such practice had been adopted to deprive the concerned work lady from a status of employee. I still adhere to the view because of entry Ext. W-3 the gate pass, the concerned work lady should be treated as employee. Accordingly believing the version of the concerned work lady it is held that concerned work lady was an employee of opposite party. There is no dispute that she had worked from October, 1991 to February, 1993 and thereby she has completed 240 days. No retrenchment compensation and notice pay had been paid to her, hence her termination is bad being in breach of provisions of section 25-F of I. D. Act.

6. There is no evidence regarding breach of section 25-G and H of I.D. Act. In view of above discussion, it is held that the termination of the concerned work lady by the opposite party is in breach of provisions of section 25-F of I. D. Act, and she will be entitled for reinstatement in service with back wages at the rate at which she was getting wages for the last time.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 28 अगस्त, 1997

कां.आ. 2440.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सौ. सी. एम. पी. डी. आई. एल. के प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-97 को प्राप्त हुआ था।

[सं. एन-20012/281/89-आई आर (सी-1)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1997

S.O. 2440.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 1), Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. CMPDIL and their workman, which was received by the Central Government on 27-8-1997.

[No. L-20012/281/89-IR(C-I)]
BRAJ MOHAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1) (d)(2-A), of the Industrial Disputes Act, 1947.

Reference No. 149 of 1990.

PARTIES :

Employers in relation to the management of
Central Mine Planning and Design Institute Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarmeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri Uday Prakash, Deputy Personnel Manager.

For the Workmen : Shri A. Mathews, General Secretary, National Coal Workers Congress.

STATE : Bihar.

INDUSTRY : Mine.

Dated, the 18th August, 1997.

AWARD

By Order No. L-20012/281/89-I.R. (Coal-I), dated 15-6-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the union for reinstatement of Shri A. Dutta, Suku Hella, Birendra Prasad, Suraj Singh, M. G. Radhakrishnan, Ashok Roy, K. Dhiren, Shiv Kumar Mallik, P. K. Mallik, Sambhu Nath Roy, Abil Kumar Choudhury, Gagan Jha, Shrikant Singh and Vinod Singh with full back wages and consequential benefits from 1-1-1987 is justified? If so, to what relief the workmen are entitled to?"

2. The dispute has been settled between the parties out of the Tribunal. A memorandum of settlement has been filed duly signed by both the parties. I have gone through the terms of settlement and find them fair and proper. Accordingly, I pass an award in terms of the settlement. The settlement shall form part of the award.

3. Let copies of the award be sent to the Ministry under Section 15 of the I. D. Act.

TARKESHWAR PRASAD, Presiding Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO 1
DHANBAD

REFERENCE NO. 149 OF 1990

Employer in relation to Management of Central Mine Planning and Design Institute Ltd., Gondwana Place, Kanke Road, Ranchi—834 008.

AND

Thier workmen, represented by National Coal Workers Congress, Anne Villa, Rameshwaram, Baran Road, Ranchi-834 009.

Petition on behalf of the employer proposing terms of settlement in view of the Union representing the workmen agreed to settle the case outside the Court.

The employer above named begs to state and submit as follows :

1. That the instant industrial Dispute is pending with the learned Tribunal No. I for adjudication on the following terms of reference .

"Whether the demand of the Union for re-instatement of S/Shri A. Dutta, Sukhu Hela, Birendra Prasad, Suraj Singh, M. G. Radhakrishnan, Ashok Rai, K. Dhiren, Shiv Kumar Mullick, P. K. Mullick, Shambhu Nath Roy, Anil Kumar Choudhary, Gagan Jha, Srikanth Singh and Vinod Singh with full back wages and consequential benefits from 1-1-1987 is justified ? If so, what relief the workmen are entitled to."

2. That in view of the verbal agreement of the Union made before this learned Court on the earlier date to settle the case outside the court, the employer above named propose the following terms accordingly and after omitting the portions objected by the Union representing the workmen on 19-6-1997 of the earlier proposal vide petition dated 18-6-1997 for settlement of the case :

- (i) That the following noted workmen who are already in the employment of CMPDIL w.e.f. the date noted against each and the posts mentioned against them will be deemed to be in the employment of the Company as Cat-I General Mazdoor w.e.f. 1-1-1987.

Sl. No.		Date of Initial appointment as Cat-I.
1	Shri Birendra Prasad, S/o. Shri K. Prasad.	12-9-1989
2	Shri Suraj Singh, S/o. Shri M. Singh.	11-9-1989
3	Shri M. G. Radhakrishnan, S/o. Late A. Govindan.	7-9-1989
4	Shri Sukhu Hella, S/o. Late B. Hella.	11-9-1989
5	Shri S. N. Roy, S/o. Shri D. Roy.	13-9-1989
6	Shri Gagan Jha, S/o. Shri S. Jha.	13-9-1989

7. Shri Kant Singh,
S/o. Shri R. G. Singh. 8-9-1989
8. Shri P. K. Mallick,
S/o. Shri K. Mallick. 20-9-1989
9. Shri Binod Singh,
S/o. Shri R. I. Singh. 21-9-1989
10. Shri Ashok Roy,
S/o. Late S. D. Roy. 5-9-1989
11. Shri K. Dhiren,
S/o. Late B. P. Kundu. 1-9-1989
12. Shri Shiv Kr. Mallick,
S/o. Shri M. Mallick. 14-9-1989
13. Shri A. Dutta,
S/o. Shri J. C. Dutta. 12-9-1989
14. Shri A. K. Choudhary,
S/o. Shri R. Choudhary. 14-9-1989

- (ii) That the above said employment will be notionally treated for all purposes. They will not be given any monetary benefit for any purposes whatsoever for the those period.

- (iii) That the seniority of the above noted employee in the Cat-I post will remain unaltered occupying the same position which they are at present holding.

- (iv) That the Basic wages in Cat-I of the above employee will be calculated notionally w.e.f. 1-1-1987 and the date of their subsequent annual increment will fall on 1-1-1988, 1-1-1989 and 1-1-1990 onwards.

- (v) That the Basic arrived at on 1-1-1989 on account of their placement in Cat-I General Mazdoor on and from 1-1-1987, will be calculated in accordance with the chart.

The chart is annexed herewith at Annexure—'K' and 'K-1'.

- (vi) That they will not be getting any monetary benefits arising out of the above calculations. The monetary benefits will be given ; only ; on & from 1-1-1997.
- (vii) The workmen concerned will be continue to perform their normal duties as being done presently.
- (viii) That this settlement will not be quoted as a precedence to any other cases at any stage ; neither will have any bearing on any other identical cases/matter ; if any ; pending with any of the authorities.
- (ix) That it is further agreed by the parties that this is full and final settlement of all claims arising out of the disputes and reference Order No. L-20012/281/89-IR/Coal-I, dated 15-6-1990 being reference No. 149 of 1990 of this Tri-

bunal. Neither the Union nor the workmen concerned will make any further claims over the above terms of this settlement.

3. That the aforesaid settlement shall not be treated as presedence in any other cases. It is further prayed that Union may also not be permitted to quote this settlement as a precedence in any other cases.

It is prayed that your Honour may be pleased to pass a consent award in the pre-mentioned reference in the terms and conditions as stated herein before.

AND as in duty bound, the Management shall ever pray.

Place : Ranchi.

Dated : 13-8-1997.

For & on behalf of the Employer.

Sd./-

(W. PRAKASH).

Part of the Award.

Case No. R-149/90 (Basic pay which Presently they are getting

Sl. No.	Name	Date of initial appoint as Cat-I	Present Design.	w.e.f.	1989 Basic as on initial apptt.	1990	1991
1.	Sri Birendra Prasad S/o Sri K. Prasad	12-9-89	—	—	38.47 (12-9-89)	39.17 (1-9-90)	67.56 (1-9-91)
2.	Sri Suraj Singh, S/o Sri M. Singh	11-9-89	—	—	38.47 (11-9-89)	
3.	Sri M.G. Radhakrishnan, S/o Late A. Govindan	7-9-89	—	—	38.47 (7-9-89)		
4.	Sri Sukhu Hella, S/o Late B. Hella	11-9-89	—	—	38.47 (11-9-89)		
5.	Sri S.N. Roy, S/o Sri D. Roy	13-9-89	—	—	38.47 (13-9-89)		
6.	Sri Gagan Jha, S/o Sri S. Jha	13-9-89	—	—	38.47 (13-9-89)		
7.	Sri Kant Singh, S/o Sri R.G. Singh	8-9-89	—	—	38.47 (8-9-89)		
8.	Sri P.K. Mullick S/o Sri K. Mullick	20-9-89	—	—	38.47 (20-9-89)	39.17	67.56
9.	Sri Binod Singh, S/o Sri R.I. Singh	21-9-89	—	—	38.47 (21-9-89)	(1-10-90)	(1-03-92)
10.	Sri Ashok Roy, S/o Late S.D. Roy	5-9-89	B.K. Cat-II	9-6-65	38.47 (5-9-89)	39.17 (1-9-90)	60.56 (1-9-91)
11.	Sri K. Dhiren, S/o Late B.P. Kundu	1-9-89	T.K. Cat-II	18-4-91	38.47 (1-9-89)	39.10 (1-9-90)	40.19 (18-4-91)
12.	Sri Shiv Kr. Mullick S/o Sri M. Mullick	14-9-89	Elect. H. Cat-II	4-10-94	38.47 (14-9-89)	39.17 (1-9-90)	67.56 (1-9-91)
13.	Sri A. Dutta, S/o Sri G.C. Dutta	12-9-89	Driver Cat-V	5-5-91	38.47 (12-9-89)	39.34 (5-5-90)	40.19 (1-5-91)
14.	Sri A.K. Choudhary, S/o Sri R. Choudhary	14-9-89	Peon	15-9-93	38.47 (14-9-89)	39.17 (1-9-90)	67.56 (1-9-91)

Truck Khalasi

T.K. Cat-II (Cat. IID/P)

ANNEXURE-K

1-7-91 (NCWA-V)	1992	1993	1994	1995	1996	1-1-97 Presently getting	Present Place of Posting
66.48	68.64 (1-9-92)	69.72 (1-9-93)	70.80 (1-9-94)	71.88 (1-9-95)	72.96 (1-9-96)	72.96	RI-II
							RI-V
							RI-V
							RI-V
							RI-V jayga
							RI-I
							RI-V
							RI-II
							RI-I
66.48	68.64 (1-03-93)	69.72 (1-03-94)	70.80 (1-03-95)	71.88 (1-03-96)	72.96 (1-03-97)	71.88	RI-I
66.48	68.64 (1-9-92)	69.72 (1-9-93)	70.80 (1-9-94)	72.18 (9-6-95)	73.51 (1-6-96)	73.51	RI-I
							Bus Khalasi Cat-II
68.19	69.52 (1-5-92)	70.85 (1-5-93)	72.18 (1-5-94)	73.51 (1-5-95)	74.84 (1-5-96)	74.84	RI-I
							Cat-II
66.48	68.64 (1-9-92)	69.72 (1-9-93)	72.18 (4-10-94)	73.51 (1-10-95)	74.84 (1-10-96)	74.84	CPT
							Elect. Helper Cat-II
68.19	69.52 (1-5-92)	73.22 (5-4-93)	75.86 (1-4-94)	78.50 (1-4-95)	81.14 (1-4-96)	81.14	RI-V Gopalpur
							Cat.-V
66.48	68.64 (1-9-92)	69.72 (1-9-93)	1851/- (1-9-94)	1887/- (1-9-95)	1923/- (1-9-96)	1923/-	RI-II
							Rs. 1815/- (15-9-93)
							Peon

With certain minor corrections as from earlier chart.

1	2	3	4	5	6	7	8
Indra Prasad,	12-9-89	—	—	38.47	39.17	39.87	40.57
K. Prasad				(1-1-87)	(1-1-88)	(1-1-89)	(1-1-90)
J. Singh,	11-9-89	—	—				
M. Singh							
Radhakrishnan,	7-9-89	—	—				
A. Govindan							
Hella,	11-9-89	—	—				
B. Hella							
Roy,	13-9-89	—	—				
D. Roy							
Jha,	13-9-89	—	—				
S. Jha							
Singh,	8-9-89	—	—				
R.G. Singh							
Mullick,	20-9-89	—	—				
S. Millick							
R.I. Singh,	21-9-90	—	—				
R.I. Singh,							
R. Roy,	5-9-89	B.K.	9-6-95	38.47	39.87	39.87	40.57
S.D. Roy		Cat-II		(1-1-87)	(1-1-88)	(1-1-89)	(1-1-90)
Kiren,	1-9-89	T.K.	18-4-91	38.47	39.17	39.87	40.57
B.P. Kundu		Cat-II		(1-1-87)	(1-1-88)	(1-1-89)	(1-1-90)
Kumar Mullick,	14-9-89	Elect.H.	4-10-94	38.47	39.17	39.87	40.57
M. Mullick		Cat-II		(1-1-87)	(1-1-88)	(1-1-89)	(1-1-90)
S.C. Dutta	12-9-89	Driver	5-5-91	38.47	39.17	39.87	40.57
		Cat-V		(1-1-87)	(1-1-88)	(1-1-89)	(1-1-90)
							41.04
							(5-5-90)
Choudary,	14-9-89	Peon	15-9-93	38.40	39.17	39.87	40.57
R. Choudhry				(1-1-87)	(1-1-88)	(1-1-89)	(1-1-90)

9	10	11	12	13	14	15	16	17
41.27 1-1-91	68.64	69.72 (1-1-92)	70.80 (1-1-93)	71.88 (1-1-94)	72.96 (1-1-95)	74.04 (1-1-96)	75.12	RI-II Parbatput RI-VII Kosala RI-V Kudmkela RI-V, Dhamjayarh RI-III(HQ) RI-V, Bilaspur RI-JII, Tandwa RI-IV (HQ) RI-JII(HQ)
41.27 (1-1-91)	68.64	69.72 (1-1-92)	70.80 (1-1-93)	71.88 (1-1-94)	72.96 (1-1-95)	76.17 (1-6-96)	76.17	RI-I (HQ):
					74.84 9-6-95 Bus Khalasi Cat-II			
41.27 (1-1-91)	70.85	72.18 (1-5-92)	73.51 (1-5-93)	74.84 (1-5-94)	76.17 (1-5-95)	77.50 1-5-96	77.50	RI-I (HQ)
42.74 (18-4-91)								-Truck Khalasi Cat-II
41.27 (1-1-91)	68.64	69.72 (1-1-92)	70.80 (1-1-93)	71.88 (1-1-94)	74.84 (1-10-95)	76.17 (1-10-96)	76.17	C P T I Rajrappa
					73.51 4-10-94. -Elec. Helpor Cat-II			
41.89 (1-5-91)	69.72	70.85 (1-5-92)	75.86 (5-4-93)	78.50 (1-4-94)	81.14 (1-4-95)	83.78 (1-4-96)	83.78	RI-VII Gopalpur
Driver Cat-II T.K. (DT)			Cat-V					
41.27 (1-1-91)	68.64	69.72 (1-1-92)	70.80 (1-1-93)	1887/- (1-9-94)	1923/- (1-9-95)	1959/- (1-9-96)	1959/-	RI-II(H) (Q)
			1851/-					

15-9-93 -Peon with certain minor correction as from earlier chart

नई दिल्ली, 28 अगस्त, 1997

का०आ० 2441.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सौ० बी० सी० सी० एल० के प्रबंधन के संवद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं०-1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-97 को प्राप्त हुआ था।

[सं० एल-20012/77/91-आई आर (सी-1)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th August, 1997

S.O. 2441.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 27-8-1997.

[No. L-20012/77/91-IR (C-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947

Reference No. 93 of 1991

PARTIES :

Employers in relation to the management of Godhur Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Takeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 18th August, 1997

AWARD

By Order No. L-20012/77/91-I.R. (Coal-1) dated 30-9-1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether Shri Madho Singh and 40 others indicated in the Annexure who have completed 10 days attendance underground in the service of Md. Faruque Khan, Contractor, are to be treated as employees of the management of Godhur Colliery of M/s. Bharat Coking Coal Ltd. and whether the demand that these persons be regularised in services of the said management is justified? If so, to what relief are these persons entitled?"

2. The workmen and the sponsoring union appeared and filed written statement stating therein that the workman Madho Singh and 40 other workmen had been working at Godhur Colliery in underground mine in permanent nature of job since long and they were working underground mine

under the direct control and supervision of the management and all the implements for the work were supplied by the management. It is also said that as per Mines Act, Mines Rules and Coal Mines Regulation all underground workmen are legally bound to work under the direct control and supervision of the management's officials and competent persons and the job of stone cutting is permanent nature of job and by the notification of February, 1975 issued by the Ministry of Labour this job of stone cutting have been put under prohibited category of job. It is further said that the workmen although doing the job of stone cutting for the benefit of the management and their job directly connected with mining operations of the Colliery. It is also said that the management has implemented Wage Board Recommendations and NCWA-I to IV and job of stone cutters are entitled for Category-IV wages or Group-V wages, but the workmen were being paid very much less than the recommendation of NCWA and that the payment too was being made in the name of alleged intermediary. Md. Faruque Khan. It is said that Md. Faruque Khan is neither possessing any licence for engaging the workmen in the prohibited category of job nor the management was possessing any licence for engaging so-called Md. Faruque Khan for executing the job of stone cutter. It is said that neither Md. Faruque Khan was supplied implements for execution of job to the workmen nor supervised the job of the workman and the workmen should be deemed the employees of the management and their demand for regularisation of their job as stone cutters with retrospective and their wages should be allowed.

3. It is also said that the management did not hear their demand and the dispute was raised before the A.L.C. (C) for regularisation of their job with retrospective effect on the plea that the workmen put more than 190 days attendance in each calendar year in underground, but the workmen were stopped from work from March, 1991 and the action of the management in not regularising the concerned workmen in service was arbitrary, illegal and unjustified. On submission of failure report the reference was made to this Tribunal for its adjudication and it is said that award be passed accordingly in favour of the workmen.

4. I further find that the management appeared and filed their written statement stating, inter alia that this reference is not legally maintainable and there was no employer-employee relationship between the management and them and they were the workmen of Md. Faruque Khan. Contractor who was engaged as Contractor in various type of contract job available from time to time and he was also awarded contract intermittently according to requirement of the management. It is also said that the contractor selected his own workers and recruited for doing supervision of their work and receiving payment from the management on submission of bills and it used to make payment of wages to its workmen and the management has no concern with the workmen. It is also said that the contractor, Md. Faruque used to carry on contract jobs at different collieries by engaging his own workmen according to requirement and developed them at different collieries for the job entrusted to him. It is further said the contractor was never awarded any contract job where more than 20 persons could be engaged, and he engaged less than 20 workmen for doing the contract job which was various kinds including cutting dike on the gallery. It is also said that the process of driving a gallery a dike may be encountered and for crossing that dike certain amount of stone cutting work becomes necessary and in the process the driving of gallery is stopped and the contractor is allotted the job to cross over dike of that particular gallery and this job of dike cutting is not available on regular basis and it may not be available for months together. It is also said that in the process of such dike cutting some work of stone cutting is also done by the workmen engaged by the contractor.

5. It is denied that the workmen completed more than 190 days attendance in underground and other such demand of the union is false. They were not engaged by the management and they cannot claim to be the workmen of the management. The management did not exercise control over the contractor's workers and did not supervise their work. The contractor supervise their work and uses to terminate their work after completion of the work and the concerned workmen can't claim to be the employees of the management. It is also said that the workmen performed the duties for the benefit of the contractor who undertook the contract for

earning profit to himself, they can't claim to be the workmen of the management and their demand for regularisation with back wages were not justified at all.

6. By way of rejoinder to the contention of the written statement of the workmen and the sponsoring union the same has been denied specifically and parawise and it is said to be incorrect or not fully correct and denied. It is finally said that the workmen were not entitled for the claim as made by them and award be passed accordingly in favour of the management.

7. I further find that a rejoinder has also been filed by the workmen and the sponsoring union to the points taken by the management in its written statement and the same has been denied specifically and parawise and is said to be false, frivolous, motivated and denied. It is said that it has been falsely alleged that the workmen cannot claim to be the workmen of the management and it is also denied that by doing their job the workmen were entrusted for the benefit of the contractor and worked on behalf of the contractor for giving profit to the contractor for his contract work. All other allegations have been specifically denied and it is said that award be passed in favour of the workmen.

8. On the basis of the pleadings of the parties the points for consideration in this case are—

- (a) Whether the concerned workmen were working under Md. Faruque Khan. Contractor and have completed 190 days attendance underground be treated as employees of the management of Godhur Colliery of M/s. B.C.C. Ltd.
- (b) Whether the demand of the concerned workmen for their regularisation in service is justified?
- (c) If so, what relief and reliefs the workmen are entitled?

9. All the points are inter-linked and as such are taken together for their consideration.

10. I find that in support of their case the workmen have examined WW-1—Imtaz Ahmad and WW-2—Md. Murtaza who were concerned workmen and have supported their cases as given in their written statement. They have stated that they were working as stone cutters alongwith other co-workers doing the job underground and the work was done in three shifts each for 8 hours and that before going to work they used to mark their attendance in the Attendance Cabin and took cap lamp and were given implements by the management and in the underground they reported for duty to the Mining Sirdar who put them work. They were given drill, drill rod, shovel, konia, hammer, belcha, Jhora etc. for work and they used to make hole in the stone in which the detonator was put and the stone was blasted, and thereafter they used to work of dressing and cut drain on the floor of the underground mine, constructed sumps and used to do the driving in the stone. The work of stone cutting was permanent nature and they worked under the supervision of the Mining Sirdar of the management and payment was made to them from the Colliery counter by the management and they have worked every year for 240 days and they filed photo copy of the Attendance sheet and they were stopped by the management from work in the year 1991 when they demanded for regularisation of their job. They did not know Md. Faruque Khan nor they were paid wages by him nor he supplied implements nor supervised their work.

11. WW-1 has been cross-examined at full length. He has further stated that the names of permanent workmen are entered in Form 'B' Register and they were issued Identity Card and no appointment letter or wage slip was given to the concerned workmen. He has also stated that Md. Faruque Khan taken them to work to B.C.C. and they were put in the charge of Mining Sirdar and he was a contractor. Work order was also given to Faruque Khan and they had worked as per work order given to Faruque Khan but can't say that bill was submitted by Faruque Khan and payment was made by the management accordingly. He also stated that after they prepared hole in the stone, the Mining Sirdar put the detonator and explosive therein for blasting the stone and hole was made by them with the help of a machine known as Jack Hammer.

12. The evidence of WW-2 is on the same line and he has proved Attendance sheet marked 'X' on the evidence of WW-1 Imtaz Ahmad, Mining Sirdar has put his signature on these attendance sheet marked Ext. W-1 on the bunch of such wage-cum-attendance sheet. Mining Sirdar, Munir has also put his signature on these sheets, marked Ext. W-1/1. Likewise the signature of Mining Sirdar, S. D. Singh, Asgar Sirdar, Munir Sirdar and Girdhari and Gopalji, Labour Enforcement Officer have been proved and marked Ext. W-1/1 to W-1/6. He too has stated that they have worked for 240 days in every year and they were stopped by the management in March, 1991 without giving any notice and has further stated that they have filed photo copies of attendance registers which were available to them but could not bring entire such register. In cross-examination he has stated that he alongwith WW-1 were doing the stone cutting work and the attendance-cum-wage sheets filed by the sponsoring union they got it from Ganga Singh, Mining Sirdar, who was not a member of the sponsoring union and who brought the same upto Civil Court at Dhanbad where they prepared photo copy and the original was returned to him. He has denied that all such photo copy of documents produced by them in this case are manufactured and there is no original of the same in the office. He has also denied that they have not worked for more than 240 days in each year and have further denied that they have worked under the contractor, Md. Faruque Khan and their work was supervised by the Munshi of the contractor and not by the management. He has further denied that the work implement was supplied to them by the contractor. There is no other evidence on behalf of the workmen.

13. The management has examined only one witness, MW-1 Raja Ram Singh, Accountant working since 1964 who said Faruque Ahmad was a contractor in the said colliery and work order was issued to him and 28 such orders have been filed by the management marked Ext. M-1 in bunch and the estimate area also tagged with work orders 31 in number and such estimate are marked as Ext. M-2 in bunch. He has also 46 bills submitted by the contractor under his signature, marked Ext. M-3 in bunch. He has stated that the name of the permanent employee is noted in Form 'B' Register and Identity Card is given to permanent employee. Two such Form 'B' Registers are marked Ext. M-4 and M-4/1.

14. However in cross-examination he has stated that he did not go underground from 1984 to 1991 nor did he see the workmen working underground as he did not go there. He has also stated that from Ext. M-1 series (28 in number) it is clear that payment was made for stone cutting and coal cutting to the workmen and such workmen going underground are marked in Form 'C' register. He has admitted that in Form 'B' register names of casual and temporary workers are not noted only permanent workers are noted and Identity Card is issued on the basis of Form 'B' register. Form 'B' Register Ext. M-4/1 is photo copy and he could not say about original of the same. He could not say as to who made entries in the register, but this was maintained in Personnel Department. He could not say that coal cutting and stone cutting are prohibited category of job. He has further stated that there was a contractor, Faruque Ahmed who was also called alias Faruque Khan. He could not say that the workmen were working underground. They were doing the work of coal cutting and stone cutting but could not say that their demand was justified. He has further denied that preparation of such work orders and bills are simply paper work and camouflage to deprive the workmen from their genuine demand. There is no other witness on behalf of the management.

15. Some documents have been filed on behalf of the workmen which are Attendance-cum-wage sheets for the years 1984-85 till 1990 marked Ext. W-1 to W-1/6 in bunch.

16. Similarly, the management has filed Carbon copy of work orders marked Ext. M-1 series in bunch, Carbon copy of estimates, marked Ext. M-2 in bunch, Carbon copy of bills, marked Ext. M-3 in bunch, Form 'B' Register, marked Ext. M-4 and Photo copy of Form 'B' Register, marked Ext. M-4/1.

17. On the basis of these documents the management has tried to establish that the concerned workmen were not engaged or employed by the management as their names did not find place in Form 'B' register, Ext.

M-4 produced by the management and that they were working under contractor, Faruque Ahmed alias Faruque Khan, Contractor and work order as per estimates were issued to the said contractor, Faruque Khan vide Exts. M-1 and M-2 and bills were prepared and presented by the said contractor, Ext. M-3 in bunch and payment was made to him by the management on the basis of the bills and subsequently he used to pay his workmen. As such there was no employer-employee relationship between the management and the workmen and they were all workmen of the contractor and did work for the contractor and the management has no control over them nor their work was supervised by the management nor payment was made to them. It is further said that as per work order the work was done by the said contractor, Faruque Khan for the work mentioned in the work order which were different in nature where stone cutting and coal cutting were prohibited category of job but some such stone cutting jobs which were incidental in nature for doing the work order given to the contractor and it is incorrect to say that the workmen have completed 190 days of underground work of stone cutter nor 240 days in 12 calendar months for years together and as such they were entitled for their regularisation and full back wages.

18. It is also said that they were never selected or recruited by the management and they were never employees of the management in view of Dinanath's case as given by the Hon'ble Supreme Court that a contractor worker doing the job under the control and supervision of the contractor cannot claim to be workman of the principal employer or regularisation of his job. It is further said that although stone cutting work has been notified by the Ministry under prohibited category by the notification of the year 1975 but as per amendment notification of 1986 some intermittent nature of some stone cutting work has been declared not to be treated as prohibited category and in the light of this notification declared in the year 1988 the point involved in this case should be considered as per clarification given in the notification of 1988 and for the sake of argument but not admitted, if the workmen have worked for such stone cutting work for a very short period, say for a month or two then they cannot claim for their regularisation in the job of the management and this would not be treated as work of prohibited category and this may be simply temporary and intermittent in nature and incidental to the original work order given to the contractor for doing different job in the Colliery.

19. It is also submitted that WW-1 has admitted in cross-examination that he and other workmen were brought by Faruque Khan who was contractor and were handed over to the Mining Sirdar and they were working under the said contractor, Faruque Khan and in view of admission of WW-1 and also in view of the documents produced by the management, Ex's. M-1 to M-4 series it is abundantly clear that they were working under Faruque Khan and they were selected and engaged by the said contractor and they worked for the contractor on the awarded job and they were never employees of the management. As such it is submitted that the demand of the workmen that they completed 190 days in permanent and perennial nature of job which is prohibited category and they should be regularised in service with retrospective effect with full back wages is not justified at all and the action of the management in not regularising the concerned workmen in service is valid and justified. It is therefore submitted as mentioned in the written statement filed on behalf of the management that the concerned workmen are not entitled for the claim as made and the award be passed accordingly.

20. On the other hand, it is submitted on behalf of the workmen and the sponsoring union that admittedly the workmen have worked as stone cutter and coal cutter working underground from the period 1984 to 1990 as per Ext. W-1 series which bear the signature of different Mining Sirdars of different period and also bear signature of Labour Enforcement Officer and it was checked by the concerned Labour Inspector and this document can't be said to be fabricated one. It is further submitted that MW-1 has categorically stated that in Ext. M-1 series of has been mentioned that these orders and corresponding bills and voucher Ex's M-2 and M-3 are for the work of stone cutting and coal cutting and on perusal of these exhibits it is clear that these work-orders were for the

same period i.e. from the years 1984 to 1990. In this view of the matter it is submitted that the assertion of the management that they have not completed 190 days of regular work underground or more than 240 days of work in 12 calendar months in a year for years together has got no leg to stand and this contention of the management is falsified from its own documents, Exts. M-1 to M-3 series supported by Ext. W-1 series bearing signature of supervisory staff of the management and also that of the concerned Labour Enforcement Officer, MW-1 has further admitted in course of his cross-examination that the workmen were doing the work of earth cutting and stone cutting. It is further submitted that in view of a large number of documentary proofs coupled with admission made by MW-1 that the workmen were working the work of stone cutting and coal cutting which comes under prohibited category as per notification of the Ministry of Labour, Government of India, issued in the year 1975 and such engagement of the workmen can't be said to be intermittent or incidental as claimed by the management. These documents also go to prove that the workmen have worked in regular and continuous nature of job for such a long period and when they demanded for regularisation they were stopped from work from March, 1991 and immediately thereafter the dispute was raised before the Asst. Labour Commissioner (Central) for conciliation.

21. It is further submitted that the management have based on the ratio of the authority of the Hon'ble Supreme Court in Dinanath's case that contract labour cannot claim regularisation from the principal employer. However, it is said that Exts. M-1 to M-3 series are nothing but paper arrangement done by the management which is sham and camouflage to deprive the workmen from their genuine demand of regularisation after putting so many years and so many more than 240 days work with the management doing prohibited category of job of stone cutting and earth cutting.

22. It is further submitted that a number of authorities which goes to substantiate the contention of the workman that the management taking the work in prohibited category of work from the workman for more than 190 days underground or more than 240 days on surface in 12 calendar months the workmen are entitled for their regularisation and in support of this contention the workmen have referred—

(i) 1985 (1) LJ 492 (Madras High Court)—(Best of Crompton).

(ii) 1988 Lab. LC 730 (Punjab and Haryana High Court)—(Food Corporation of India).

(iii) Indian Factories and Labour Reports, 1990 Page 253 (Gujarat)—(Food Corporation of India Workers' Union)

and all these judgments of the Hon'ble High Courts have been confirmed by the Hon'ble Supreme Court as reported in 1997 Lab. LC. 565 at page 368 (Air India Statutory Corporation Vs. United Labour Union and others).

23. It is further said that the Hon'ble Supreme Court has passed an authority reported in 1997 Lab. LC page 365 at page 368 in the case of Air India Statutory Corporation Vs. United Labour Union and others where it has been held by Their Lordships, "that under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 that in the Abolition of contract labour system direct relationship of employer and employee is created between the principal employers and the workmen and the workmen get right to be regularised in service. It has been further elaborated that "Abolition of contract labour system ensures right to the workmen for regularisation of them as employees in the establishment in which they were hitherto working as contract labour through the contractor. The contractor stands removed from the regulation under the Act and direct relationship of employer and employee is created between the principal employer and workmen." 1991 AIR SCW 3026. Overruled 1995 AIR SCW 2942 Partly Overruled. It has also held by Their Lordships that the Act does not provide total abolition of the contract labour system under the Act. It regulates contract labour system to prevent exploitation of the contract labour. The preamble of the Act furnishes the key to its scope and operation.

24. Perused the above authority. It has been pointed out that in view of this authority of the Hon'ble Supreme Court (Division Bench) by which Dinanath case has been overruled, the management cannot take the plea that the workmen being contractor labour cannot claim their regularisation with the principal employer rather the principal laid down in the said authority is otherwise and is in favour of the workmen.

25. It is also submitted that there is nothing to show on record that as per plea taken by the management, it had any registration certificate under Section 9 of the Contract Labour (Regulation and Abolition) Act, 1970 or the so-called contractor, Md. Faruque Khan and had any licence for engagement of contract labour for doing the work as given in the work-order Ext. M-1 series and on this score also the case of the management falls as it is against the provision of Contract Labour (Regulation and Abolition) Act, 1970.

26. My attention has also been drawn to the authority passed by this very Tribunal in Reference No. 77 of 1983 by the then Presiding Officer, Shri S. K. Mitra on 29-6-90 which was similar case of 105 workmen of Bhurungia Project under M/s. B.C.C. Ltd. who were working under prohibited category of job and claimed for their regularisation and award was passed in favour of the workmen and the management was directed to regularise the concerned in service and pay the wages as per NCWA-II and 50% of back wages excluding wages already paid. Against this award the management had preferred CWJC No. 2371/90 (R) before the Hon'ble Patna High Court (Ranchi Bench) and vide order dated 7-7-97 this CWJC No. 2371/90 (R) of the management was dismissed with observation and direction to the management for regularising the services of 94 workmen who were duly identified by the officer deputed by the Deputy Commissioner, Dhanbad in pursuance of order of the Hon'ble High Court. It is submitted that this order of the Hon'ble High Court has been passed only in the last month and the management's contention that the list of prohibited category of job should be looked into as per clarification given in the Notification of 1988 and these workmen would not be covered under such nature of prohibited category of job is not tenable at all because all these facts have been considered by the Hon'ble High

Court in its last order as referred above in CWJC No. 2371/90 (R) dated 7-7-97 and the case of the concerned workmen stands fully on the similar footing.

27. In the above circumstances, I do not find any merit in the plea taken by the management that the claim of the workmen and sponsoring union for regularisation of the concerned workmen is not genuine and justified and the action of the management in not regularising their service was valid and justified.

28. Accordingly, all the points are decided in favour of the workmen.

29. From the term of reference it appears that no specific date has been given for regularisation of the workmen and for payment of back wages, but it is clear that they were stopped from work from March, 1991 as per written statement of the workmen and this fact was not refuted by any substantive evidence on behalf of the management as such the management is directed to regularise the services of the concerned workmen from 1-3-1991 in the entry point of service (of coal cutter and stone cutter) and to pay 50% of full back wages as per NCWA admissible during the period minus the wages already paid.

30. Hence, the award—

The action of the management of Godinur Colliery of M/s. B.C.C. Ltd. in not regularising the services of the concerned workmen was not valid and justified, and the concerned workmen working under so-called Contractor, Md. Faruque Khan, are entitled for regularisation of their job from 1-3-1991 with 50% of back wages as per NCWA admissible during that period. The management is further directed to regularise the services of the concerned workmen from 1-3-1991 with 50% of full back wages as per NCWA applicable during the period in admissible category (entry point in service of coal cutting and stone cutting workmen) within two months from the date of publication of the award in the Gazette of India.

However, there will be no order as to cost.

TARKESHWAR PRASAD, Presiding Officer
ANNEXURE 'A'

Sl. No.	Name of the Workmen	Father's Name
1.	S/Shri Madho Singh	S/Shri Rameshwar Singh
2.	Murtaza	" Md. Sakur
3.	Ram Sunder Chauhan No. 1	" Ram Chalitara Chauhan
4.	Kapil Dev Rajvanshi	" Keso Rajvanshi
5.	Sato Yadav	" Akloo Yadav
6.	Md. Wasi	" Md. Shakoor
7.	Abid Khan	" L/Mazid Khan
8.	Zahid Hussain	" Abdul Hamid
9.	Abdul Mazid (Barku)	" Md. Murtaza.
10.	Jumnua Singh	" Rameshwar Singh
11.	Mokit Alam	" Late Abdul Gaiym.
12.	Lalji Rawani	" Nitiyannand Rawani.
13.	Bachha Singh	" Rameshear Singh
14.	Md. Kalim	" Lt. Mehboob Shah
15.	Naushad Alam (Chhoti)	" Md. Murtaza
16.	Baiju Singh	" Sheo Prasad Singh
17.	Biond Rajvanshi	" Totar Rajvanshi
18.	Ram sunder Chowhan II	" Ramshander Chowhan.

1	2	3
19.	Rambelash Raj Anshi	" Biro Rajvanshi.
20.	Md. Manir	" L/Khalil
21.	Arjun Rajvanshi	" Bisun Rajvanshi
22.	Md. Anxar	" Abdul Mannan.
23.	Aoculed Shamim	" L/Zahiruddin
24.	Deodat Singh	" Santosh Singh
25.	Istafi	" Dost Mohammed
26.	Shamim Ahmed	" L/Md. Khalil
27.	Bisheswar	" Sarjug Prasad.
28.	Sahachat	" Md. Asir
29.	Md. Balal Ahmed	" Md. Nisar Ahmed
30.	Md. Sakil	" Jagiruddin
31.	Sahid Hussain	" Adbul Hamid
32.	Suresh Pandit	" Arjun Pandit.
33.	Aftav Alam	" Late Md. Halim
34.	Nageshwar Ram	" Jagdish Ram
35.	Md. Mustaque	" Molve Alam (Late)
36.	Bihari	" Agnu Mahato
37.	Imteyaz Ahmed	" Abdul Razzaque Khan
38.	Zaid Ahmed Khan	" F.A. Khan
39.	Nazeer Haider	" Zahir Khan
40.	Aftab Alam	" Razzaque
41.	Md. Salim	" Samsul Hoda

नई दिल्ली, 28 अगस्त, 1997

को.आ. 2442.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-97 को प्राप्त हुआ था।

[संख्या एन-12012/23/95-आई० आर० (बी-II)]
सनातन, डेस्क अधिकारी

New Delhi, the 28th August, 1997

S.O. 2442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government hereby published Industrial Tribunal, I, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on the 27th August, 1997.

[No. L-12012/23/95-IR (B-II)]
SANATAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma,

Presiding Officer

REFERENCE NO. CGIT-22 OF 1995

PARTIES :

Employers in relation to the management of
Union Bank of India.

AND

Their workmen.

APPEARANCES :

For the Management : Shri P. K. Rele, Advocate
For the Workman : Shri M. B. Archan, Advocate.

Mumbai, dated the 3rd day of June, 1997

Award (Part-I)

The appropriate Government has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of
Union Bank of India, Bombay in dis-

missing Sri R. K. Surtan, Sweeper/Hamal from service w.e.f. 26-12-92 is legal and justified? If not, what relief is said workman entitled to,"

2. The workman filed his statement of claim on 14-7-95. The management of the Bank filed its reply to the written statement of claim on 20-10-95. No rejoinder was filed the workman.

3. The workman was duly chargesheeted for unauthorised absence from duty on different occasions inter alia amounting to habitual absence, a gross-misconduct and remaining absent from duty without leave and without sufficient grounds and irregular attendance, being minor misconducts.

4. The Disciplinary Authority appointed one R. B. Nirantar an Enquiry Authority. The enquiry was commenced on 26-6-92. The chargesheet was read over and explained to the workman who pleaded guilty to the charges but pleaded extenuating circumstances viz. ill health of himself, ill health of wife and death of children. He also produced certain medical certificates dated 2-8-91, 9-9-91, 15-10-91 and 31-11-91.

5. During the pendency of the enquiry, the workman was issued a supplementary chargesheet dated 25-8-92 for remaining absent on duty for 86 days from 11-3-92 to 4-6-92. At the enquiry for the supplementary chargesheet, the workman was represented by his defence nominee Shri S. B. Menon. He again pleaded guilty to the charge. He pleaded an injury to his leg as justification for this absence. However, he did not lead any oral evidence in support of the justification pleaded by him.

6. The Enquiry Authority found the workman guilty. It appears that meanwhile the Enquiry Authority himself became the Disciplinary Authority. He accordingly issued a show cause notice to the workman. He was given personal hearing. A copy of the enquiry report was made available to the workman. He was given personal hearing by the Disciplinary Authority, who eventually passed the final order as follows :

MEMORANDUM

From

Union Bank of India
Industrial Relations Dept.,
Central Office.

To

Shri R. K. Surtan,
Sweeper/Hamal,
Old Records Section,
Ashok Samrat Nagar,

Near CPWD Office,
Vile Parle (E),
Bombay-400056

CO : IRD : AS : MISC : 178/8938/92

26th December, 1992
5th Pausa 1914

By REGD. A.D./U.P.C.

After completion of the enquiry into the charges/ allegations levelled against Shri R. K. Surtan, Sweeper/Hamal, Old Records Section, Dahisar as per charge sheet no. CO : IRD : AS : MISC : 178/92 dated 22-4-92 and supplementary charge sheet no. CO : IRD : AS : MISC : 178/5428/92 dated 14-8-92 read with corrigendum no. CO : IRD : AS : MISC : 178/5635/92 dated 25-8-92, I had forwarded to Shri Surtan initial findings of the enquiry vide memorandum No. CO : IRD : AS : MISC : 178/8721/92 dated 15-12-1992, proposing therein the punishment of dismissal from the services of the Bank with immediate effect. I had also advised vide the said findings memorandum to Shri Surtan to appear before me for personal hearing on 26-12-1992 at Industrial Relations Department, C.O. Bombay.

Accordingly, Shri Surtan appeared before me for the personal hearing, and confirmed having received findings of the enquiry alongwith memorandum dated 15th December, 1992 and having understood the contents of the same. He took the assistance of Shri S. B. Menon as his Defence Representative.

During the personal hearing, Shri Surtan stated that the proposed punishment of dismissal from the service of the Bank is too harsh and on higher side. He further stated that he had already pleaded guilty to the charges and regretted and repented for not attending the office. He submitted that he has two children and wife who are dependent on him. He requested to take a lenient view and give him one final opportunity by reducing the proposed punishment, with an assurance that he shall be regular in his duties in future.

I have gone through the submissions made by Shri Surtan at the personal hearing. The same are absolutely not convincing. The past service record of Shri Surtan is very dismissal and unsatisfactory in as much as he has been imposed various punishments of five occasions. On last occasion, though he was shown leniency by the Appellant Authority by reducing the punishment of dismissal from the service of the Bank to that of stoppage of two increments permanently, Shri Surtan has not improved his attendance record and misutilised the opportunity given to him. I, therefore, do not see any reason to reduce the proposed punishment. As such, I confirm the same and pass the following order :

ORDER

"The following punishments be and are hereby imposed upon Shri R. K. Surtan :

Charges Proved Gross Misconducts :	Punishment Imposed
1. Doing acts prejudicial to the interest of the Bank.	Dismissal from the services of the Bank with immediate effect.
2. Wilful insubordination & disobedience of lawful and reasonable orders of the Management.	Dismissal from the services of the Bank with immediate effect.
3. Habitual absence.	Dismissal from the services of the Bank with immediate effect.

Minor Misconducts :

1. Absence without leave without sufficient grounds.—Censure.
2. Irregular attendance—Censure.

"The above punishments shall run concurrently."

As already informed, Shri Surtan's absence on 4th July, 1991, from 8th July, 1991 to 23rd July, 1991, 25th July, 1991 to 27th July, 1991, 2nd August, 1991 to 9th December, 1991, 15th January, 1992 to 1st February, 1992, 11th March, 1992 to 4th June, 1992, 10th June, 1992 to 17th June, 1992 and from 30th June, 1992 to 25th August, 1992 is treated as unauthorised and hence on loss of pay and allowances.

Sd/-

(R. B. NIRANTAR)
Enquiry Officer
Disciplinary Authority."

7. The workman filed an appeal but the same was also rejected.

8. The workman raised an industrial dispute as noticed above, which was referred to this Tribunal.

9. In his written statement of claim, the workman very vaguely and generally pleaded that the domestic enquiry held against him was not fair and was against principles of natural justice. In support of this averment, he cited a fact that Bank's Medical Officer did not justify his absence and the report of the Medical Officer was not supplied to him.

10. On the question of fairness and legality of the domestic enquiry, the management filed affidavit of one Mr. J. R. Jani while the workman filed his own affidavit. Both of them were cross-examined by respective counsel for opposite party.

11. I have heard the learned counsel for the parties. Mr. Anchan has stressed that the Enquiry Officer and Disciplinary Authority relied upon the report of the Bank's Medical Officer to show that absence of workman was not justifiable. Hence, the enquiry was vitiated, in as much as the same was not supplied to him.

12. In my opinion, this contention is of no avail. The charges were squarely admitted and it was for the workman to justify his absences from duty. No prejudice has been occasioned by non-supply of the report of the Bank's Medical Officer.

13. The other contention was that on the first charge sheet, workman was not permitted to be represented by a defence nominee of his choice. This fact does not appear to be true. The workman has admitted that the Enquiry Officer waited for his defence nominee and when he did not turn up, the Enquiry Officer proceeded with the enquiry. The witness of the management has categorically stated that after the Enquiry Officer had waited for arrival of his defence nominee and he did not turn up, the Enquiry Officer enquired if the workman will carry on with the enquiry. The workman agreed upon which the enquiry proceeded. Hence, this objection is not sustainable.

14. One contention was raised that proceedings were recorded in English. Management's witness has stated that proceedings were recorded in English but had been explained to the workman in Hindi and he did not object to same. The workman has admitted in his cross-examination "The Enquiry Officer did explain to me the proceedings taken against me in Hindi". He then added, almost as an after thought "but I did not follow him". In next breath, he admits "This is correct that I understood some of the proceedings and hence I signed them. I did not complain to the E.O. in writing that I had not fully understood the proceedings". This belies the stand that he had not understood the proceedings. Hence, I find no merit in this objection as well.

15. Accordingly, I hold that proceedings held against the workman were fair, legal and proper. Award Part-I is made accordingly. All concerned be notified. Put up on 25th June, 1997 for further hearing.

R. S. VERMA, Presiding Officer
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI
PRESENT :

Shri Justice R. S. Verma, Presiding Officer.
Reference No. CGIT-22 of 1995

PARTIES :

Employers in relation to the management of
Union Bank of India,

AND

Their Women

APPEARANCES :

For the Management—Shri R. N. Shah,
Advocate.

For the Workman—Shri M. B. Anchan,
Advocate.

STATE : Maharashtra.

Mumbai, dated the Nineteenth day of August, 1997

AWARD (PART-II)

1. The appropriate Government has referred the following dispute for adjudication to this tribunal :

“Whether the action of the management of Union Bank of India, Bombay in dismissing Shri R. K. Surtan, Sweeper/Hamal from service w.c.f. 26th December, 1992 is legal and justified. If not, what relief is said workman entitled to?”

2. Admittedly, the workman had joined the service of the Union Bank of India on 5th October, 1981. He was charge sheeted for absence from duty for 86 days from 11th March, 1992 to 4th June, 1992. He was further charge sheeted for absence from duty for 8 days from 10th June, 1992 to 17th June, 1992 and for further absence from duty from 30th June, 1992 till 25th August, 1992.

3. The workman admitted that he had remained absent from duty for the aforesaid periods. He, however, pleaded that he was not feeling well and had an injury on the leg. He requested that a lenient view be taken in as much as he had a family of two children and a wife to support. However, he did not lead any evidence in justification of the absence.

The Enquiry Authority found the workman guilty. Meanwhile, the Enquiry Authority also became the Disciplinary authority. He accordingly issued a show cause notice to the workman as to why he should not be dismissed. A copy of the Enquiry report was made available to the workman. **He was also given personal hearing by the Disciplinary Authority, who, eventually passed the order of dismissal from the service of the Bank with immediate effect.**

4. The workman filed an appeal but the same was rejected. The workman raised an Industrial dispute and conciliation having failed, the appropriate government made a reference to this tribunal as stated above.

5. In the statement of claim the workman inter-alia pleaded that domestic enquiry against him was not fair and was against the principle of justice. Hence the parties were heard on the question of

fairness and legality of the domestic enquiry. Both the sides filed affidavits in support of their respective pleas. By Award Part-I dated 3rd June, 1997 I found that the enquiry held against the workman was fair, legal and proper.

6. Now, the matter has come up for final disposal. The only submission of Shri M. B. Anchan on behalf of the workman is that the workman is a low paid employee and has a family to support which consists of his wife and two children. He submits that the workman has already put in eleven years of service; if thrown out of job, he can not get a job else where, having become over age and that the punishment of dismissal is very harsh and disproportionate and some minor punishment be imposed on the workman.

7. On behalf of the management it is submitted that the workman's case is that of chronic absence from duty. The Bank has filed a chronology of events giving the details of previous absences from duty of the workman. It is pointed out that workman was censured for absence from duty for 40 days for the period 3rd May, 1985 to 17th June, 1985. He was subsequently punished on 21st February, 1987 by stoppage of one increment for unauthorised absence from duty for 30 days. In January, 1988 the workman was again punished by stoppage of one increment for unauthorised absence for various days as per details given in para 5 of the given in the chronology of events. The workman was dismissed from service for absence from duty vide order dated 10th April, 1990 but this punishment of dismissal was reduced to stoppage of one increment. It is submitted that order of dismissal passed against the workman should not be interfered with in the aforesaid circumstances.

8. I have given my earnest consideration to the rival contentions. The case of the workman appears to be that of chronic absenteeism from duty and it is true that he has not improved inspite of earlier opportunities granted to him.

9. However, looking to the fact that the workman is now repentant and assures not to repeat such acts of absence and further looking to the fact that he has put in almost eleven years of service and has become overage for getting a fresh job and the fact that he has a family consisting of his wife and two children to support, ends of justice would be met if his dismissal from service is set aside and is substituted by minor punishment of stoppage of five increments. However, he shall not get any back wages for the period he has remained absent during the course of domestic enquiry and during these proceedings. The Management shall re-instate the workman forthwith without any back wages and would withhold five increments of the workman. His absence from duty throughout shall be treated as leave without pay. However, for pur-

poses of pension and retiral benefits, he would be deemed to be in continuous service, but the period of absence shall not be counted towards qualifying service for other purposes.

10. In the circumstances of the case the parties shall bear their own costs.

R. S. VERMA, Presiding Officer

नई दिल्ली, 4 सितम्बर 1997

का.आ. 2443.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-97 को प्राप्त हुआ था।

[संख्या एल-12012/28/92-आई.आर.बी. 2]]

सनातन, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to management of United Bank of India and their workman, which was received by the Central Government on 3-9-97.

[No. L-12012/28/92-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 20 of 1992

PARTIES :

Employers in relation to the management of United Bank of India.

AND

Their workman

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management—None

On behalf of Workman—None

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12012/28/92-IR(B.II), dated 29-4-1992 the Government of India, Ministry of Labour in exercise of its powers under Section 10 (1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of United Bank of India in refusing to reimburse the hospitalisation bill of Smt. Chandra Kala Devi, part-time Sweepress is justified ? If not, what relief the workman is entitled to ?”

2. When the case is called out today none of the parties appear, even though as a last chance time was given for examination of witness on behalf of the Union. On earlier occasions also no one was present on behalf of the Union. It can accordingly be presumed that the parties are no longer interested in the matter.

3. In the aforesaid circumstances, in the absence of any material on record, there is no scope for any decision of the issue under reference. As such, this Tribunal has no other alternative but to pass a ‘No Dispute’ Award.

A “No Dispute” Award is accordingly passed. and the reference is dispose of.

This is my Award.

Dated, Calcutta,

The 26th August, 1997

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 28 अगस्त, 1997

का. आ. 2444 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक, हैदराबाद के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण—I, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-97 को प्राप्त हुआ था।

[संख्या एल-12012/108/96-आई. आर. (बी. II)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 28th August, 1997

S.O. 2444.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure in the

industrial dispute between the employers in relation to the management of Syndicate Bank, Hyderabad and their workman, which was received by the Central Government on 28-2-97.

[No. L-12012/108/96-IR(B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I,
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I,

Dated : 31st day of July, 1997

INDUSTRIAL DISPUTE NO. 26/1997

BETWEEN

The State Secretary,
Syndicate Bank Employees Union,
Andhra Pradesh State Committee,
Near Pragathi College,
Kondaswamy Lane,
Hanuman Tekdi,
P. O. Box No. 567,
Hyderabad-567. Petitioner

AND

The Dy. General Manager,
Syndicate Bank 6-3-653,
Pinoor House, Somajiguda,
Hyderabad-500 402. Respondent

APPEARANCES :

None appeared for both parties.

AWARD

The Government of India, Ministry of Labour New Delhi by its Order No. L-12012/108/96/IR(B-II) dated 15-5-97 referred the following dispute under section 10(1)(d) of Industrial Dispute Act, 1947 for adjudication.

“Whether the action of the management of Syndicate Bank, Hyderabad is justified in imposing punishment of termination from service of Sh. B. J. J. Raju, Ex-Clerk w.e.f. 15-10-81? If not to what relief he is entitled?”

(2) After receipt of the said reference, this Tribunal issued a notice to both the parties. Notice was served upon the petitioner. But the petitioner did not appear to contest this matter. Respondent was not present.

(3) In view of the above, it is presumed that both the parties are not evincing any interest to prosecute the matter. Therefore, it is unnecessary to keep this matter on the file of this Tribunal, and Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 31st day of July, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 28 अगस्त, 1997

का. आ. 2445 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. बी. आई. हैदराबाद के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण—1, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-97 को प्राप्त हुआ था।

[संख्या एल-12012/116/84-आई. आर. (बी. I)]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 28th August, 1997

S.O. 2445.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.B.I., Hyderabad and their workman, which was received by the Central Government on the 27-8-1997.

[No. L-12012/116/84-IR(B.I.)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial
Tribunal-I.

Dated the 31st day of July, 1997

INDUSTRIAL DISPUTE NO. 21 OF 1997

BETWEEN

The General Secretary, State Bank employees
Union, Peddibhotlavari Street, Vijayawada-
520020. —Petitioner

AND

The Chief General Manager, S.B.I. Hyderabad
circle Local Head Office, Hyderabad-
500 170. Respondent.

APPEARANCE :

None appeared for both parties.

AWARD

The Govt. of India, Ministry of Labour, New Delhi by its order No. L-12012/116/84-IR(B.I.) dated 4-2-1997 and 2-4-1997 referred the following dispute under section 10(1)(d) of Industrial Disputes Act, 1947 for adjudication;

“Whether the action of the management of SBI Hyderabad is terminating the services of S/Shri K. V. Lakshma Reddy and 9 others as listed is legal and justified? If not to what relief the workmen are entitled?”

(1) After receipt of the said reference, this Tribunal issued notice to both parties.

(2) Both parties did not appear though notice was served upon them. Both parties have not filed their pleadings though three adjournments were granted. Hence it is understood that both parties have not interested to prosecute this matter. Therefore, there is no other alternative except to close the reference. The I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 31st day of July, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 1 सितम्बर, 1997

का. आ. 2446 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे, बांम्बे के प्रबन्धन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निष्पट, औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम. ले. को. नं. 2, बांम्बे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-97 को प्राप्त हुआ था।

[संख्या एल-41011/22/95-आई. आर. (बी. I)
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 1st September, 1997

S.O. 2446.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-L.C. No. 2. Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Bombay and their workman, which was received by the Central Government on 1-9-1997.

[No. L-41011/22/95-IR(B.I.)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2,
MUMBAI

PRESENT :

Shri S. B. Pansc, Presiding Officer

Reference No. CGIT-2/8 of 1997

Employers in relation to the management
of Western Railway

AND

Their Workmen

APPEARANCES :

For the Management : Mr. Suresh Kumar
Advocate.

For the Workmen : No Appearance.
Mumbai, dated the 21st August, 1997

AWARD

The Government of India, Ministry of Labour, by its Order No. L-41011/22/95-IR(B.I.), dated 21-2-97, had referred to the following Industrial Dispute for adjudication.

“Whether the action of the Dy. Chief Engineer (S & C) Churchgate, Bombay for not granting the benefit of the regularisation after the screening workman as per the seniority in favour of 31 workmen as per list attached is justified or not? If not what relief should be granted to the workmen?”

2. The desk officer while sending the order of reference to this Tribunal had also send copies to the concerned parties including the Divisional Secretary, PRKP, 32-A, Chhapra Building, 1st Floor, R. K. Baidya Marg, Near Plaza Cinema, Dadar (W), Bombay-28.

3. As per usual practice the Secretary of the Tribunal had also issued notices to the concerned parties. It was duly served. Mr. Anchan who bormally appears for that union filed a purshis (Ex-2) contending that he will file a Vakalatnama on next occasion. Mr. Suresh Kumar Advocate appeared for the railways.

4. The matter was adjourned for fillnig of the statement of claim from 21-4-97 till today. In other words five adjournments were granted to them. But no statement of claim was filed

In respect of that Mr. Anchan filed a purshis (Exhibit-4) informed the Tribunal that he had not instructions from the union in the present reference. It is, therefore he is withdrawing his appearance in the matter.

5. From the conduct of the union it appears that the union has not more interest in the reference. In the result I pass the following order :—

ORDER

The reference is disposed off for want of prosecution.

The action of the Deputy Chief Engineer (S & C) Churchgate, Bombay for not granting the benefit of regularisation after, screening the workmen as per the seniority in favour of 31 workmen as per list attached is justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1997

का. आ. 2447 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार छत्रसाल ग्रामीण बैंक, जलाऊ के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-8-97 को प्राप्त हुआ था।

[संख्या एल-12012/58/94-आई. आर. (बी. I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 1st September, 1997

S.O. 2447.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chhatrasal Gramin Bank, Jaloun and their workman, which was received by the Central Government on 29-8-1997.

[No. L-12012/58/94-IR (B. I.)]

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 80 of 1995.

In the matter of dispute :

BETWEEN

Ancop Kumar Tiwari, C/o. Ram Naresh Awasthi, Mantri UTUG (UP Branch), 130-E Barrah-4 Kanpur.

AND

Chairman, Chhatrasal Gramin Bank, Head Office Orai District Jaloun.

APPEARANCE :

For the Workman : Ram Naresh Awasthi.

For the Management Bank : M. K. Verma.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/58/94-IR (B-I), dated 30-6-1995 has referred the following dispute for adjudication to this Tribunal :—

“Kya Prabandhtantra Chhatrasal Gramin Bank, dwara karmkar Shri Anoop Kumar Tiwari ko dinank 11-12-1986 se sewa se nishkashit karna nyayochit hai ? Yadi nahi to sambandhit Karmkar kis anutosh ka haqdar hai ?”

2. The concerned workman Anoop Kumar Tiwari, in his claim statement has alleged that he was engaged as messenger on 14-8-1993, by the opposite party Chhatrasal Gramin Bank and was deployed at Hamirpur branch. He continuously worked there in that capacity upto 11-12-1986 when his services were brought to an end orally. He was working on a permanent post and was getting Rs. 12/- per day as wages. As he had completed more than 240 days his removal from services without payment of retrenchment compensation and notice pay is bad in law. Besides a junior person to him was retained in service. Hence, there has been break of section 25-G of I. D. Act as well.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was engaged as part time messenger. He did not work continuously. In the year 1983 he had worked for 96 days, in the year 1984 for 261 days in the year 1985 for 267 days in the year 1986 for 92 days. As he was getting a meagre wages he left the job of his own, on 11-12-1986. It is denied that there was any junior person in service at all.

4. The first point which needs determination as to whether the concerned workman was whole time worker or part time worker. Naturally the concerned workman Anoop Kumar Tiwari M. W. 1 has stated that he had worked for whole time as peon or part time. Naturally the concerned workman Anoop Kumar Tiwari, M. W. 1 has stated that he

had worked for whole time as peon-cum-messenger. Whereas B. P. Singh Manager of the bank has stated that he had worked as part time messenger. There are Ext. W. 3 and W. 4, the certificates issued by the manager of the bank dated 21-8-1986 and 2-11-1984 respectively in which the concerned workman has been shown to have worked as peon or messenger. There is no mention of the word part time. In view of this documentary evidence alone, I accept the version of the concerned workman and held that he was engaged as a whole time messenger. From his evidence it is also established that the work of the concerned workman was also of permanent nature as obviously at a branch the existence of messenger-cum-peon is a must.

5. The next point which needs consideration is as to whether the concerned workman had completed 240 days in a year. In this regard the concerned workman Anoop Kumar Tiwari W. W. 1 has stated that he had worked for more than 240 days in a year which fact has been denied by V. P. Singh M. W. 1. In my opinion a bare denial by the manager was not enough. If the concerned workman belonged to muster roll, the extract of muster roll ought to have been filed to show the number of working days of the concerned workman for the period one year prior to 11-12-1986. If his payment was made through vouchers, the copies of vouchers ought to have been filed. That would have sealed the fate of the concerned workman, as against the bank. In its absence I accept the version of the concerned workman and hold that he had completed for more than 240 days in a year preceding the date of his termination. In the case of G. Singh versus P. O. Labour Court U. P. Agra and others 1993 LLR. 142, it has been held that termination of a daily wage worker completing 240 days would amount to retrenchment under section 25-F of I.D. Act. In view of above discussion it is held that concerned workman had completed 240 days in a year preceding his termination as this termination is bad being in breach of section 25-F of I. D. Act. As admittedly no notice or retrenchment compensation was paid to the concerned workman.

6. No doubt the concerned workman has given evidence that there has been breach of section 25-G of I. D. Act as junior to him was retained in service, I am not inclined to accept as the name of such workman was not given in the claim statement.

7. Lastly the plea of the management may be considered. The concerned workman is alleged to have left the job of his own on 11-12-1986. In support of this version B. P. Singh M. W. 1 has stated that workman had left the job of his own as remuneration were not adequate. This fact has been denied by the concerned workman Anoop Kumar Tiwari W. W. 1, in his cross examination. Thus the case of the management is not natural. There is Ext. W-1 the copy of notice Ext. W-1 dated 13-7-1992 which was sent by registered post Ext. W-2. If the version of the management was correct the management ought to have sent reply to the fact that concerned workman has left the job of his own. His silence in this regard goes to lend support to the

version of the concerned workman. In view of this it is held that the concerned workman had not left the job of his own.

8. The authorised representative has referred to the case of Central Bank of India versus Sattyam and others 1996 Lab. IC 2248 in which it was held that if the retrenched workman seeks re-employment after a lapse of long period of several years, the relief of reinstatement should be denied. In that case a number of persons were retrenched between 1974 to 1976 and writ petition was filed in 1992. It was held that because of this delay the petitioner should not be given relief as during this period several persons would have been engaged and their impleadment was necessary. Thus this principle is applicable in such a case where new hands were appointed subsequent to retrenchment. In the instant case it has not been so. It has already been shown that after the removal of the concerned workman no fresh hands have been employed and even junior to him is not working. Hence question of causing prejudice to the rights of persons who were employed subsequently does not arise. Besides I find that there has been satisfactory explanation for delay in seeking reference. There is Ext. W-1 copy of notice dated 13-7-1992 in which it has been alleged that he had made representation on 11-12-1986 which has so far not been decided, hence final notice has been given that shows that the management itself has kept the concerned workman waiting. Now it does not lie in the mouth of management to raise this plea.

9. Further such relief was not granted in a case of writ petition where constitutional courts are both to go into details about the merits of the case beside on question of fact.

10. In view of this discussion, in my opinion, the management is not entitled for any benefit of this authority.

11. In the end my award is that retrenchment of the concerned workman being in breach of provision of Section 25-F of I. D. Act, is bad in law and he is entitled for reinstatement.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 1 सितम्बर, 1997

का. आ. 2448—पौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मोर्दन रेलवे, मुरादाबाद के प्रबन्धनत्व के संबद्ध विभागों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट पौद्योगिक विवाद में केन्द्रीय सरकार पौद्योगिक अधीकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-97 को प्राप्त हुआ था।

[संख्या एन० 41011/43/95—आई. आर. (बी. !)]

पी. जे. मॉडकल, डेप्टी अधिकारी

New Delhi, the 1st September, 1997

S.O. 2448.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Moradabad and their workman, which was received by the Central Government on the 1-9-97.

[No. L-41011/43/95-IR(B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT
DEOKI PALACE ROAD PANDU NAGAR
KANPUR

Industrial Dispute No. 21 of 1997

In the matter of dispute between:

Divisional Railway Manager
Northern Railway
Moradabad.

AND

Divisional Secretary
Uttar Railway Mazdoor Union
Moradabad Division
T-64A, Uttar Railway Colony
Moradabad.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. 41011/43/95-I.R. (B-I) dated Nil has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Northern Railway Moradabad by not regularising the services of S/Shri Rajesh Kumar Sharma and Har Shyam of Moradabad Division as Telephone operators after 14-9-87 is just and legal? If not to what relief are the workmen entitled to ?

2. It is unnecessary to give the details of the case as after sufficient service the concerned workmen have not filed claim statement. Hence reference is answered against the concerned workmen for want of prosecution and proof and they are not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1997

का. आ. 2449:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार भागीरथ ग्रामीण बैंक, सीतापुर के प्रबन्धन के संदर्भ निगोशकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-97 को प्राप्त हुआ था।

[संख्या एन-12012/137/94-आई. आर. (बी. I)]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 1st September, 1997

S.O. 2449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhagirath Gramin Bank, Sitapur and their workman, which was received by the Central Government on the 1-9-97.

[No. L-12012/137/94-I.R.(B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT
DEOKI PALACE ROAD PANDU NAGAR
KANPUR

Industrial Dispute No. 196 of 1995

In the matter of Dispute between :

Smt. Sikandar Jahan Siddiqui
Moh. Patao Kala Tajiya Ke Pass
Khairabad
Distt. Sitapur

AND

Chairman
Bhagirath Gramin Bank
Sitapur

APPEARANCES :

Shri B. P. Saxena for the workman
Shri V. K. Gupta for the Management

AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. L-12012/137/94-I.R. (B-I) dated 28-8-95 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bhagirath Gramin Bank, Sitapur to dismiss the services of Smt. Sikandar Jahan Siddiqui, Clerk-cum-Cashier is legal and justified ? If not, what relief she is entitled to ?”

2. It may be pointed out that this case was reserved for recording finding on preliminary issue relating to fairness and propriety of domestic enquiry. After having gone through the file I have made up my mind to hold that charge sheet which is the very foundation of enquiry and consequent impugned punishment is, mala fide and bad in law. Hence there will be no use in proceeding further after quashing the domestic enquiry report. Accordingly final award is being given.

3. The concerned lady Smt. Sikandar Jhan Siddiqui was working as clerk cum Cashier in the opposite party Bhagirath Gramin Bank at Sitapur main branch. On 27-7-92 she was issued a charge sheet which runs as under :

शाखा सोतापुर में श्रीमती सिकन्दर जहां सिद्दीकी द्वारा लिपिक सह खानाची पद पर कार्य करते हुए दिनांक 19-12-83 को एक जमा सूचना रु० 12000/- का प्रधान कार्यालय को प्रेषित करने हेतु गनाई तथा प्रतिहस्ताक्षरित की गई। उक्त जमा सूचना श्री सिद्दीकी द्वारा बिना रु० 12000/- बैलेंस में जमा का वाउचर प्राप्त किये अथवा किसी खाते में अन्तरण के माध्यम से नाम दिये बिना बनाई गई।

इस प्रकार श्रीमती सिद्दीकी द्वारा अपने कर्तव्यों के निर्वाहन में घोर लापरवाही की गयी। जिससे बैंक को रु० 12000/- की हानि हुयी है। श्रीमती सिद्दीकी का उक्त कृत्य बैंक हित में हानिकारक है तथा भागीरथ ग्रामीण बैंक कर्मचारी सेवा विनियम 1980 (अद्यतन संशोधित) की धारा 19 के अन्तर्गत कदाचार है तथा विनियम 30(1) के अन्तर्गत दण्डनीय है।

One Pradeep Chatterjee an officer of the bank, was appointed as enquiry Officer. During the course of enquiry management adduced its evidence. The concerned lady did not participate on the ground of illness. Ultimately ex-parte proceedings were drawn against her and finding was recorded against her vide finding dated 25-2-93. This was followed by her dismissal from service vide order dated 31-5-1993. Appeal filed by the concerned lady was also dismissed. Feeling aggrieved she has raised the instant industrial dispute.

4. The case of the work lady that earlier she was facing enquiry on the basis of charge sheet dated 4-2-83 which resulted in stoppage of one grade increment with cumulative effect. In that connection she had moved ALC(C) Lucknow. The opposite party was annoyed by it and wanted that the concerned work lady should dropped these proceedings. The concerned work lady did not agree to it and it gave rise industrial dispute No. 136/92 which is pending before this tribunal. Being annoyed the management by way of vindictiveness and harrasment issued this charge sheet dated 27-7-92 in respect of and event which had happened nine years ago. It is alleged that this charge sheet has become stale and is the result of malafide. Accordingly it is bad in law. It is further alleged that she had fallen ill and could not participate in the enquiry. She has further alleged that she has prepared the draft in question after passing the voucher by which Rs. 12000 were deposited. Hence there was no fault on her part and no loss was caused.

5. In written statement it is alleged that the enquiry was fairly and properly held. No explanation has been given as to why this wrongful act was not deducted earlier and why enquiry was not held earlier. It is further alleged that the concerned work lady has committed misconduct. She did not participate in the enquiry. The charge is correct.

6. In the rejoinder nothing new has been alleged. Only old facts have been repeated.

7. In this case entire proceedings of domestic enquiry had been filed, the genuineness of which has not been disputed. Hence they have been admitted in evidence.

8. The first point is as to whether charge sheet itself is actuated with malafide and highly balated. The alleged misconduct relates to an incident which took place on 19-12-1983 whereas charge sheet was issued on 27-7-92. Thus there is delay of nine years. I repeatedly enquired from the Au. Rep. of the management Bank as to when this wrongful act of the concerned lady was deducted and why the management kept quite for such length of time. No explanation, much less, satisfactory could be given by him. In the absence of any explanation it is held that there has been inordinate delay and laches on the part of the management in issuing charge sheet. In the case of State of M.P. v/s Bani Singh 1990 LAB I.C. 1488 (S.C.), an officer was charge sheeted for certain irregularities after 12 years. No explanation for delay for holding enquiry could be given. In this situation the charge sheet itself was quashed. For the parity of the reasons the instant charge sheet against the concerned work lady being in respect of 9 years old incident is also liable to be quashed.

9. I am further of the view that this charge sheet is outcome of malafide intention and vindictiveness, in order to harras the concerned work lady. It has not been disputed that the matter relating to enquiry based on charge sheet dated 4-1-89 was already pending. I find substance that the impugned charge sheet was issued because of the concerned work lady having carried the matter before ALC(C). There can not be direct evidence of malafide intention. It has to be gathered from circumstances. I find the above circumstances to hold that this charge sheet is due to alone Indians malafide intention.

10. Hence for the above reasons the charge sheet itself is quashed. Certainly charge sheet is the first pre requisite of fair and proper enquiry. When the charge sheet itself has been held to be bad in law the entire enquiry proceeding, including punishment stand vitiated. I am further of the view that there will be no use to in given fresh opportunity to the management Bank to adduce evidence on such an invalid chargesheet.

11. As result of above discussion and finding that charge sheet is bad in law and the consequent punishment by way of dismissal by the opposite party bank is bad in law. Consequently the concerned work lady is also entitled for reinstatement with back wages. I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1997

का. आ. 2450 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल प्रोविडेंट फण्ड ऑर्गेनाइजेशन, कलकत्ता के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-97 को प्राप्त हुआ था।

[संख्या एल.-42011/47/95-आई. आर. (डी. यू.)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 1st September, 1997

S.O. 2450.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Provident Fund Organisation, Calcutta and their workman, which was received by the Central Government on the 1-9-1997.

[No. L-42011/47/95-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 33 of 1996

PARTIES :

Employers in relation to the management
Regional Provident Fund Organisation .

And

Their workmen.

PRESENT :

Mr. Justice A. K. Chakravarty—Presiding Officer.

APPEARANCE :

On behalf of Management—None.

On behalf of Workmen—None.

STATE : West Bengal. INDUSTRY : Provident Fund.

AWARD

By Order No. L-42011/47/95-IR(DU) dated 31-10-1996 the Government of India, Ministry of Labour in exercise of its powers under section 10(1)(a) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Mgt. of Regional Provident Comm. Organisation, Regional Office in not giving promotion to Shri Robin

Bose to the post of LDC from the date of publication of result is proper, legal and justified ? If not, to what relief the workman is entitled to ?”

2. When the case is called out today, none of the parties appears and no step what-so-ever is taken by either of them in the case. On earlier occasions also the parties did not turn up, inspite of service of notice. It is clear from the record that the parties are not interested in the matter.

3. In the aforesaid circumstances, in the absence of any material for any decision of the issue under reference, this Tribunal has no other alternative but to pass a No Dispute Award.

A “No Dispute” Award is accordingly passed.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 21st August, 1997.

नई दिल्ली, 3 सितम्बर, 1997

का. आ. 2451 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिविजनल ऑफिसर, टेलीकॉम, कूर्नूल, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-97 को प्राप्त हुआ था।

[संख्या एल.-40011/45/95-आई. आर. (डी. यू.)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 3rd September, 1997

S.O. 2451.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer, Telecom, Kurnool and their workman, which was received by the Central Government on the 3-9-97.

[No. L-40011/45/95-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated; 4th day of August, 1997
Industrial Dispute No. 116 of 1996

BETWEEN

Shri S. Nabi Rasool,
S/o S. Hussan,
C/o T.V.V.S.S. Murthy,
Flat No. 301,
Balaji Towers,
New Bakaram,
Hyderabad-500380.Petitioner

AND

- (1) The S.D.O. Telecommunication,
Nandyal,
Kurnool District.
(2) The Telecom Dist. Manager,
Nandyal,
Kurnool Dist.Respondents

APPEARANCES :

M/s. J. V. Lakshman Rao, R. Yogender Singh,
Advocate for the petitioner.

Sri P. Damodar Reddy, Advocate for the
Respondent.

AWARD

The Government of India, Ministry of Labour,
New Delhi, referred the following dispute under
Section 10(1)(d) and 2A of Industrial Dispute Act,
1947 by its order No. L-40011/45/95-IR(DU) dt.
20-7-96 for adjudication :

"Whether the management of Sub-Divisional
Officer, Telecom, Kurnool is justified in
terminating the services of Sri Nabi
Rasool? If not, to what relief the work-
man is entitled to?"

Both parties appeared and filed their pleadings;

(2) The workman S. Nabi Rasool, hereinafter
called as 'Petitioner' filed a claim statement con-
tending as follows : The petitioner was recruited as
Casual Mazdoor on 28-1-1987. He worked conti-
nuously upto 31-8-1989. He thus completed total
period of 332 days. He having completed more
than 240 days of service, he is entitled for tempo-
rary status. He was disengaged with effect from
1-9-1989. He was not taken into service again.
Several juniors were continued in service while
terminating his services. Which is illegal and vio-
lation of 25H of the I.D. Act. As per the depart-
mental instructions in O.M. No. 49014/4/90 dt.

8-4-91, the petitioner is entitled to be continued
in service having completed more than 240 days.
and as per Director, Telecommunication New
Delhi's letter No. 269-10/89-STN dt. 7-11-89, he
is entitled temporary status. But the department
did not respond for it. Hence he approached the
conciliation officer. The conciliation failed and a
report has been sent to Government of India by
conciliation officer which resulted in this dispute.
The respondent violated the principle of 'first come
last go' as per Section 25H of I.D. Act, the courts
have held in many decisions that the oral termina-
tion from service at a time when the workmen are
due for confirmation of temporary status as per rules
of the department is against fair play and justice.
Hence the respondent may be directed to reinstate
the petitioner into service with all full back wages
and other attendant benefits.

(3) The respondent filed a Counter contending
as follows : The Telecommunication Department is
part and parcel of Government of India and carry-
ing out the sovereign functions and hence the
respondent cannot be termed as 'industry' the pro-
visions of I.D. Act, are not applicable to the present
case. The allegation that the petitioner worked for
332 days is not correct. The petitioner worked for
177 days in the year 1987 and 1988. The petitioner
got some employment carrying higher remuneration
and did not evince any interest to work in the
respondent department as a daily rated mazdoor.
He was not issued any appointment order. The peti-
tioner left the department on his own accord. No
freshers were recruited and no juniors were conti-
nued in the department. The petitioner has not
worked 240 days in any calendar year. Hence the
petitioner is not entitled to any relief.

(4) The learned Advocate for the Respondent-
management requested this Tribunal to decide the
legality of the reference as a preliminary point, in
view of the fact that the Supreme Court held that
the Telecom Department is not an industry within
the meaning of Section 2(j) of the Industrial Dis-
pute Act, 1947.

(5) Both the parties are heard on the point.

(6) The point for consideration is whether this
Tribunal has got jurisdiction to adjudicate the
dispute?

(7) POINT : The petitioner workman was em-
ployed in the Telecom-Department. The Govern-
ment of India made a reference to this Tribunal
treating the Telecom Department as an Industry
and the petitioner as a workman coming within
the purview of the Industrial Dispute Act, 1947.
The Supreme Court in Sub-Divisional Inspector of
Post, Vaikam and others v. Theyyam Joseph etc.
(1996 LLR Page 483), while deciding the case of
Postal Department which is a part of Telecom
Department held as follows :

"Having regard to the contentions, the question arises whether the appellant is an industry? India as a sovereign socialist secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the charter of sovereign functions and the traditional duty to maintain law and order is no longer the concept of state. Directive principles of state policy enjoin in the state diverse duties under part IV of the constitution and the performance of the duties are constitutional functions. One of the duty is of the state to provide a telecommunication service to the General public and an amenity, and so is one essential part of the sovereign functions of the state as a welfare State. It is not, therefore, an industry?"

In view of the specific findings of the Supreme Court, Telecom Department is not an industry, this Tribunal has no jurisdiction to adjudicate upon the dispute between the Government Department and its employee. There cannot be an Industrial Dispute and so this Tribunal cannot entertain the dispute, if any between the Petitioner and the Respondent.

(8) I, therefore, hold that this Tribunal has no jurisdiction to entertain this dispute and the petitioner is not entitled to any relief in this Tribunal.

An Award is passed accordingly.

Given under my hand and the seal of this Tribunal, this the 4th day of August, 1997.

No oral or documentary evidence is adduced by both the parties.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 3 सितम्बर, 1997

का. आ. 2452 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब-डिवीजनल आफिसर, टेल्कोम, कर्नूल, के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-97 को प्राप्त हुआ था।

[संख्या एन-40012/132/95-आई. आर. (डी. यू.)]

के. वी. जी. उन्नी, डेस्क अधिकारी

New Delhi, the 3rd September, 1997

S.O. 2452.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer, Telecom, Kurnool and their workman, which was received by the Central Government on 3rd September, 1997.

[No. L-40012/132/95-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 4th day of August, 1997
Industrial Dispute No. 122 of 1996

BETWEEN

Shri Abdul Khader Ex-Casual Mazdoor, C/o
Shri T. V. V. S. Murthy, Flat No. 301,
Balaji Towers, New Bakaram, Hyderabad-500380.

... Petitioner.

AND

(1) The Sub-Divisional Officer Telecommunications, Kurnool-518 501.

(2) The Telecom District Manager, Telecommunications, Kurnool-518 501.

... Respondents.

APPEARANCES :

Sri R. Yogendar Singh, Advocate—for the Petitioner.

Sri P. Damodar Reddy, Advocate—for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-40012/132/95-IR (DU) dated 26th August, 1996 referred the following dispute under section 10(1)(d) and 2A of the Industrial Dispute Act, 1947 for adjudication :

"Whether the management of Sub-Divisional Officer, Telecom Kurnool is justified in terminating the services of Shri S. K. Abdul Khader Ex. Casual Mazdoor with effect from 1st May, 1989 without following the provisions of Section 25F of the I.D. Act, If not, what relief he is entitled to?"

Both parties appeared and filed their pleadings.

(2) The workman Sri Abdul Khader hereinafter called as 'Petitioner' filed a claim statement contending as follows :—The petitioner was recruited as Casual Mazdoor on 10th December, 1985 and continued in service till 1st May, 1989. Thus he worked for a total period of 531 days. He was disengaged from 1st May, 1989. He submitted a representation for his re-engagement in service since several of his juniors were retained in service while terminating his services. The respondent did not respond to it. The respondent has violated the principle of 'first come last go' while terminating his services. The petitioner, having completed more than 240 days, is entitled to temporary status as per Department of Personnel & Training O.M. No. 49014/4/90-Estt(C), dated 8th April, 1991 and per D.G. Telecommunications' letter No. 269—10/89 STN dated 7th December, 1989. As the petitioner was not taken in service, he approached the Labour Commissioner for Conciliation. The conciliation failed and a report has been sent to the Government of India, which resulted in this dispute. The Courts have held in many decisions that the oral termination from service, at a time when the workman is due for confirmation of temporary status, as per rules of the Department, is against fair play and justice. Hence the petitioner is entitled for reinstatement with full back wages and other attendant benefit.

(3) The respondent filed a counter contending as follows :—The respondent-Department is carrying out the sovereign functions of the welfare state as per the directive principles of state policy as enshrined in Constitution of India and hence the respondent department is not an Industry. The Provisions of I.D. Act, are not applicable to the present case. The claim of the petitioner may be rejected on this ground alone. The petitioner is gainfully employed and also engaged himself in other profitable avocations all these years. There are no merits in his claim. The petitioner is not entitled to any relief.

(4) The learned Advocate for the Respondent-Management requested this Tribunal to decide the legality of the reference as a preliminary point, in view of the fact that the Supreme Court held that the Telecom Department is not an industry within the meaning of Section 2(j) of the I.D. Act, 1947.

(5) Both the parties are heard on the point.

(6) The point for consideration is whether this Tribunal has got jurisdiction to adjudicate the dispute?

(7) POINT.—The petitioner-workman was employed in the Telecom Department. The Government of India made a reference to this Tribunal treating the Telecom Department as an industry

and the petitioner as a workman coming within the purview of the Industrial Dispute Act, 1947. The Supreme Court in Sub-Divisional Inspector of Posts, Vaikam and Others v. Theyyam Joseph etc. (1996 I.L.R Page 483), while deciding the case of Postal Department which is a part of Telecom Department held as follows :—

"Having regard to the contentions, the question arises whether the appellant is an industry? India as a sovereign socialist, **secular democratic republic has to establish an egalitarian social order under rule of Law.** The welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of state. Directive principles of state policy enjoin in the state diverse duties under part IV of the constitution and the performance of the duties are constitutional functions. One of the duty is of the state to provide a telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the state as welfare state. It is not, therefore, an industry."

In view of the specific findings of the Supreme Court, Telecom Department is not an Industry and this Tribunal has no jurisdiction to adjudicate upon the dispute between the Government Department and its employees. There cannot be Industrial Dispute and so this Tribunal cannot entertain the dispute, if any between the petitioner and the Respondent.

(8) I. therefore, hold that this Tribunal has no jurisdiction to entertain this dispute and the petitioner is not entitled to any relief in this Tribunal.

An Award is passed accordingly.

Given under my hand and the seal of this Tribunal, this the 4th day of August, 1997.

No oral or documentary evidence is adduced by both the parties.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली ३ नितम्बर, 1997

कां० अा० 2453--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिवीजन ऑफिसर (पोस्ट) टेक्नीशियन, करीम नगर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, श्रुतबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचादको प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-97 को प्राप्त हुआ था।

[सं० एन-40012/7/95-आई आर (डीयू)]

के० वी० वी० उर्णा, डेस्क अधिकारी

New Delhi, the 3rd September, 1997

S.O. 2453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer (Phones) Telecom, Karimnagar and their workman, which was received by the Central Government on the 3rd September, 1997.

[No. L-40012/7/95-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I, Hyderabad.

Dated : 31st day of July, 1997

Industrial Dispute No. 41 of 1996

BETWEEN

Sri A. Rajamouli, Area Secretary, All India, Telecom Employees Union, Line staff and Group 'D' Warangal Area H. No. 6-1-4, Ashoknagar, Karimnagar-505001.
... Petitioner.

AND

The S.D.O. (Phones) Telecom, Karimnagar, District Karimnagar-505 001.
... Respondent.

APPEARANCES :

Sri C. Suryanarayana, Advocate—for the Petitioner.

Sri P. Damodar Reddy, Advocate—for the Respondent.

AWARD

The Government of India, Ministry of Labour New Delhi referred the following dispute by its Order No. L-40012/7/95-IR(DU), dated 27th March, 1996 under section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication :

“Whether the Sub-Divisional Officer (Phones) Telecom, Karimnagar is justified in terminating the services of Sri P. Govardhanachari. If not, to what relief the workman is entitled to?”

(1) Both parties appeared and filed their pleadings.

(2) The workman hereinafter called as ‘Petitioner’ filed a claim statement contending as 2301 GI/97—14

follows : The petitioner was initially recruited as Casual Labour on 6th October, 1983 and worked upto the end of February, 1985. So he worked for a total period of 469 days. His services were retrenched on 28th February, 1985 without complying with the provisions of Industrial Dispute Act, though the petitioner had put in more than 240 days service in the year preceding the date of his retrenchment. As per the D.G’s Circular dated 1st October, 1984 he should be given retrenchment compensation and one month’s wages in lieu of one month notice. Hence the petitioner approached the conciliation officer. The conciliation failed and a report has been sent to the Government of India, which resulted in this dispute. Therefore it may be declared that the termination of the petitioner is ab-initio void and that he may be reinstated into service.

(3) The respondent filed a Counter contending as follows :—One of the duty of the state is to provide Telecommunication service to the general public and an amenity and so it is one essential part of the Sovereign functions of the State as a welfare State. So the respondent is not an Industry and the provisions of the I.D. Act, is not applicable to this case. The petitioner was not recruited on regular basis. He was recruited on daily wages. The casual mazdoors are normally engaged in Telecom Department due to project works i.e. laying of underground cable etc. The petitioner was engaged from 1st October, 1983 to 28th February, 1985. The petitioner himself absented from 1st March, 1985 onwards, hence the question of retrenchment does not arise. The petitioner worked purely on casual basis. The petitioner is not entitled to any relief.

(4) The learned Advocate for the respondent-Management requested this Tribunal to decide the legality of the reference as preliminary point, in view of the fact that the Supreme Court held that the Telecom Department is not an Industry within the meaning of section 2(j) of the Industrial Disputes Act, 1947.

(5) Both parties are heard on the point.

(6) The point for consideration is whether this Tribunal has got jurisdiction to adjudicate the dispute?

(7) POINT :—The petitioner workman was employed in the Telecom Department. The Government of India made a reference to this Tribunal treating the Telecom Department as an Industry and the petitioner as workman coming within the purview of the Industrial Disputes Act, 1947. The Supreme Court in Sub-Divisional Inspector of Posts, Vaikam and Others v. Theyvam Joseph etc. (1996 LLR Page 483), while deciding the case of

Postal Department which is a part of Telecom Department held as follows:—

“Having regard to the contention, the question arises whether the applicant is an Industry? India as a sovereign Socialist, secular democratic republic has to establish an egalitarian Social order under rule of Law, the welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of state. Directive principles of State policy enjoin on the state diverse duties under Part IV of the constitutional functions. One of the duty is of the state to provide a telecommunication service to the General public and an amenity, and so is one essential part of the sovereign functions of the state as a welfare State. It is not, therefore, an industry.”

In view of the specific findings of the Supreme Court, Telecom Department is not an Industry. This Tribunal has no jurisdiction to adjudicate upon the dispute between the Government Department and its employee.

(7) In view of the decision of the Supreme Court, the Telecom Department is not an Industry, there cannot be an industrial dispute and so this Tribunal cannot entertain the dispute, if any, between the petitioner and the Respondent.

(8) I, therefore, hold that this Tribunal has no jurisdiction to entertain this dispute and the petitioner is not entitled to any relief in this Tribunal.

An Award is passed accordingly.

Given under my hand and the seal of this Tribunal, this the 31st day of July, 1997.

No oral or documentary evidence is adduced by both the parties.

V. V. RAGHAVAN, Industrial Tribunal-I,

नई दिल्ली, 4 सितम्बर, 1997

कां० 2454.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिवाजन इंजीनियरिंग (टी०) सैटेलाइट कम्युनिकेशन प्रोजेक्ट, नई दिल्ली के प्रबन्धतन्त्र के संबंध में नियोजकों और उनके कामकारों के बीच, अनुबंध में निविद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था ।

[सं० एल-40012/42/90-आई आर (डीयू)]

के० वी० बी० उण्णी, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2454.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Engineer (Telecom), Satellite Communication Project, New Delhi and their workman, which was received by the Central Government on 4th September, 1997.

[No. L-40012/42/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 22/92

In the matter of dispute :

BETWEEN

Shri Jitender Kumar,
S/o Sehdev Singh,
R/o Village Mewarkalan,
Tehsil Rurki,
District Haridwar-247672.

Versus

Divisional Officer (Engineering)-II,
Telecommunication Project,
151, Transport Centre,
Punjabi Bagh,
New Delhi-110035.

APPEARANCES :

Shri R. K. Vohra for the workman.

Miss Jaswinder Kaur for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/42/90-I.R. (D.U.) dated 20-11-90 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of Divisional Engineer, Telecom (Divisional Officer Engineering-II) Satellite Communication Project in terminating the services of Shri Jitender Kumar s/o Shri Sehdev Singh w.e.f. 1-5-89 is justified? If not, to what relief concerned workman is entitled to?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T department[Telecommunication being not an 'Industry'. It was held as follows :

“Held Directive principles of State policy enjoin on the state diverse duties under

Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

1st September, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

कां.ग्रा. 2455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक्जीक्यूटिव इंजीनियर, डी० डिवीजन, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था।

[सं० एन-42011/49/94-आई ग्रा (डीयू)]
के० वी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Executive Engineer, 'D' Division, New Delhi and their workman, which was received by the Central Government on 4th September, 1997.

[No. L-42011/49/94-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESID-
ING OFFICER : CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 26/96

In the matter of dispute :

BETWEEN

Shri Ramji Lal,
C/o CPWD Mazdoor Union,
E-26 (Old Quarter),
Raja Bazar,
Baba Kharak Singh Marg,
New Delhi-110001.

Versus

Executive Engineer,
Central Public Works Department,
D, Division,
East Kidwai Nagar,
New Delhi-110001.

APPEARANCES :

Shri B. K. Pd. for the workman.
None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/49/94-I.R. (DU) dated 26-2-96 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Executive Engineer 'D' Division, by not regularising the services of Shri Ramji Lal, Carpenter w.e.f. 18-11-86 is fair, just and legal? If not, to what relief the workman concerned is entitled to?"

2. The workman in his statement of claim alleged that he was initially appointed on Carpenter on 18-11-86 on hand receipt in Sub-Division-III of 'D' Division and now posted in Sub-Division-IV. After the passing of the order of the Hon'ble Supreme Court dated 17-1-86 in case of Surinder Singh and another Vs. Engineer-in-Chief CPWD the management paid to the workman equal pay for equal work arrears w.e.f. 21-8-86 in the time scale of Rs. 950—1500 with all allowances but retained the arrears w.e.f. It was further alleged in the statement of claim that the services of many others were regularised but not that of the workman. The workman has prayed that the award may be given to regularise whole of the services of the workman w.e.f. 18-11-86 and the payment of wages from that date on the basis of old scale and from 1-1-86 new scale be paid to him.

3. Notice of this reference was sent to the management. It was after 2-3 dates that one Ram Lal Auditor of the 'D' Division, West Kidwai Nagar appeared to whom copy of the claim was supplied. He was directed to file written statement. Nobody appeared thereafter on behalf of the management and the management was thus ordered to be proceeded against ex parte.

4. Ex parte evidence of the workman was recorded and the workman representatives' arguments heard. In view of the sworn testimony of the workman and points taken up in the statement of claim, I am of the opinion that there is no reason to disbelieve the unchallenged statement of the workman. The management has not cared even to file written statement in this case though one of their official was supplied with the copy of the statement of claim and the management was thus proceeded against ex parte. I, therefore, order that the work-

man be regularised w.e.f. 18-11-86 with all consequential benefits like seniority, increments etc. and the wages for that period equal to the other regularised employees he also be paid with interest @ 12 per cent per annum. Management is also burdened with Rs. 500 as the costs of this reference. Award is given accordingly.

2nd September, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

का०आ० 2456.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीकॉम कमिशन संचार भवन, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था।

[सं० एल-16014/16/93-आई आर (डीयू)]

के० बी० बी. उण्णी, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2456.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Commission, Sanchar Bhavan, New Delhi and their workman, which was received by the Central Government on 4-9-1997.

[No. L-16014/16/93-I.R. (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESID-
ING OFFICER : CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 15/95

In the matter of dispute :

BETWEEN

The Secretary (H.O.),
National Confederation of Central Government
Employees and Workers,
106 Jawahar Bhawan,
Dr. Rajender Prasad Road,
C/o Shri Harish Rawat,
New Delhi.

Versus

The Chairman,
Telecom Commission,
Sanchar Bhawan,
New Delhi,

Shri Bachi Singh for the workman.
None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-16014/16/93-I.R. (D.U.) dated 10-1-95 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the demand of the workmen viz Phone Inspector (PI) Transmission Assistants (TA), Auto Exchange Asstt. (AEA), and Wireless Operator (WO) represented by the Association of Phone Inspector, Transmission Asstts., PI/TA/AEA/WOS with entry qualification should be sent for JTO training and that the selection for training should be made on seniority is justified? If so, to what relief the workmen are entitled to?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T department Telecommunication being not an 'Industry'. It was held as follows :

“Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry”.

3. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear, their own costs.
1st September, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

का०आ० 2457.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिजीटल इंजीनियर, टेलीकॉम, सेटलाईट प्रोजेक्ट, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था।

[सं० एल-40012/221/91-आई आर (डीयू)]

के० बी० बी. उण्णी, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Engineer, Telecom. Satellite Project, New Delhi and their workman, which was received by the Central Government on 4-9-1997.

[No. L-40012/221/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 57/92

In the matter of dispute between.

Shri Kishan Pal, DRM
s/o Shri Funden Singh, Labourer
worker.

through General Secretary,
Delhi Labour Union,
Aggarwal Bhavan,
G.T. Road,
Tis Hazari, Delhi-110054.

Versus

Divisional Engineer,
Telecom Satellite Communication Project,
151, Transport Centre, Punjabi Bagh,
New Delh-110035.

APPEARANCES :

Shr C. P. Aggarwal for the workman.
Shri M. S. Yadav for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/221/91-I.R. (DU) dated 29-6-92 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the Divisional Engineer, Telecom. Satellite Project, New Delhi is justified in terminating the services of Shri Krishan Pal, DRM w.e.f. 18-2-89? If not, what relief he is entitled to?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others vs. Thevym Joseph etc. laid down that law regarding P & T department Telecommunication being not an 'Industry'. It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

2. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

2nd September, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

कां.आ. 2458.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकम्यूनिकेशन, सहारनपुर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था।

[सं० एल-40012/271/91-आई आर (डीयू)]

के० वी० बी० उन्नी, डीरक अधिकारी

New Delhi, the 4th September, 1997

S.O. 2458.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecommunication, Saharanpur and their workman, which was received by the Central Government on 4-9-97.

[No. L-40012/271/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 97/92

In the matter of dispute :

BETWEEN

Shri Dhani Ram,
S/o. Shri Gian Chandra Yadav,
Driver, through Shri R. P. Uniyal,
District Secretary (N.F.T.E.),
98, Paragati Vihar,
Dharampur, Dehradun (U.P.).

Versus

नई दिल्ली, 4 सितम्बर, 1997

The Chief General Manager,
Telecom, Lucknow.

2. The Telecom District Engineer,
Mission Compound,
Saharanpur.

APPEARANCES :

Mrs. Bharti Sharma—for the workman.
None—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/271/91-I.R. (D.U.), dated 8-10-92 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Deptt. of Telecommunication in not regularising the services of Shri Dhani Ram, S/o. Shri Gyan Chandra Yadav, Driver and also in terminating his services w.e.f. 1-6-91 is legal and justified? If not, what relief he is entitled to?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaidikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department/Telecommunication being not an 'Industry'. It was held as follows :

“Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry.”

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.
1st September, 1997

GANPATI SHARMA, Presiding Officer

कां० 2459.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार सहायक अभियन्ता फोन (संस्थापन), सहारनपुर के प्रबंधन के सबूत नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था ।

[सं० एन-40012/10/92-आई आर (डीयू)]

केन्द्रीय उष्णी, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2459.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Door Sanchar Sahayak Abhiyanta Phones (Sansthan), Saharanpur and their workman, which was received by the Central Government on the 4-9-97.

[No. L-40012/10/92-IR(RU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 69/92

In the matter of dispute :

BETWEEN

Shri Amar Singh,
S/o. Shri Shiv Charan Singh,
R/o. Roshanpur, P.O. Hashpur,
Distt. Bijnore Pin-246727.

Versus

The Assistant Engineer
Phones (Installation),
Telephone Exchange,
Mission Compound,
Saharanpur-247001.

APPEARANCES :

Shri R. P. Goel—for the workman.
None—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/10/92-L.R. (DU), dated 4-8-92 has referred the following industrial dispute to this Tribunal for adjudication :

“Kya Doer Sanchar Sahayak Abhiyana Phones (Sansthan) Saharanpur dhara Shri Amar Singh Putra Shri Shiv Charan Singh ka dinank 14-5-1991 se naukri sey nishkashan vaidh aur uchit hai ? Yadi nahin, to karmkar kis amutosh ka adhi-kari hai ?”

ENGLISH TRANSLATION :

“Whether the action of Telecom Assistant Engineer Phones (Installation) Saharanpur in terminating Shri Amar Singh S/o. Shri Shiv Charan Singh from service w.e.f. 14-5-1991 is legal and justified ? If not, what relief is the workman entitled to ?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaidkam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department/Telecommunication being not an 'Industry'. It was held as follows :

“Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry.”

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs. 1st September, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

कां.आ. 2460.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर (मैन्टेनेन्स) डिपार्टमेंट ऑफ़ टेली-कम्यूनिकेशन, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक

विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचद का प्रावधान करता है, जो केंद्रीय सरकार का 4-9-97 को प्राप्त हुआ था।

[सं. एन-40012/82/89-डी. 2 (बी)]

केन्द्रीय उपाय, बैक अधिकारी

New Delhi, the 4th September, 1997

S.O. 2460.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, (Maintenance), D/o. Telecommunications, New Delhi and their workman, which was received by the Central Government on 4-9-97.

[No. L-40012/82/89-D.2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 64/90

In the matter of dispute :

BETWEEN

Shrimati Daya Wati,
w/o. Shri Balwan Singh,
through the General Secretary,
Delhi Labour Union,
Agarwal Bhawan,
G. T. Road, Tis Hazari,
Delhi-110054.

Versus

General Manager (Maintenance),
Department of Telecommunications,
Kidwai Bhawan,
New Delhi-110001.

APPEARANCES :

Shri C. P. Aggarwal—for the workman.

Shri Dev Raj—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/82/89-D-2(B), dated 5-7-90 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of General Manager (Maintenance), Deptt. of Telecommunications, Kidwai Bhawan, New Delhi in terminating the services of Shri Balwan Singh w.e.f. 24-2-88 was justified ? If not to what relief the workman is entitled ?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaidikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department/Telecommunication being not an 'Industry'. It was held as follows :

“Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry.”

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.
1st September, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

को०आ० 2461.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर (मैन्टेनेन्स) एन० टी० आर० नई दिल्ली के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था।

[सं० एल-40012/33/89-डी 2 (बी)]

के० बी० बी० उष्णी, ईस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2461.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager (Maintenance), N.T.R., New Delhi and their workman, which was received by the Central Government on the 4-9-97.

[No. L-40012/33/89-D2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 124/89

In the matter of dispute :

BETWEEN

Shri Ram Charan,
S/o Shri Kana Ram,
R/o Jhuggi No. 135 WZ 62,
Possangipur,
New Delhi.

Versus

The General Manager (Maintenance),
Northern Telecom Region,
Kidwai Bhawan,
New Delhi.

APPEARANCES :

None for the parties.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/33/89-D-2(B) dated Nil has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of General Manager (Maintenance), N.T.R., Kidwai Bhawan, New Delhi in terminating the services of Shri Ram Charan w.e.f. 20-4-87 is justified ? If not to what relief the workman is entitled to ?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaidikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department/Telecommunication being not an 'Industry'. It was held as follows :

“Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to

the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I. D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

1st September, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

कां०आ० 2462—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर (मैटेनेन्स) एन्० टी० आर०, नई दिल्ली के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केंद्रित सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था।

[सं० एल-40012/12/89-डी 2 (बी)]

के०बी० टी० उष्णी, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2462.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager (Maintenance), N.T.R., New Delhi and their workman, which was received by the Central Government on 4-9-97.

[No. L-40012/12/89-D2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 144/89

In the matter of dispute :

BETWEEN

Shri Yaduvir Singh, through
Shri Surender Singh,
Associated Workshop,
Anand Parbat, New Delhi.

Versus

The General Manager, (Maintenance),
Northern Telecom Region,
Bentex Tower, Industrial Area,
Naraina, New Delhi-110028.

APPEARANCES :

Shri Partap Rai—for the workman.

Shri M. K. Sharma on behalf of Shri Anil Sehgal—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/12/89-D.2(B), dated 13-2-89 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the General Manager, (Maintenance), Northern Telecom Region, New Delhi in terminating the service of Shri Yaduvir Singh is justified? If not, what relief the workman concerned is entitled to?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaidikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department/Telecommunication being not an 'Industry'. It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.
1st September, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1997

APPEARANCES :

कां.सं. 2463.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर एन० टी० आर०, डिपार्टमेंट ऑफ टेलीकॉम, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, नई दिल्ली के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-97 को प्राप्त हुआ था ।

[सं० एल-40012/109/88-डी-2 (बी)]

क०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 4th September, 1997

S.O. 2463.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, N.T.R., D/o. Telecommunication, New Delhi and their workman, which was received by the Central Government on 4-9-97.

[No. L-40012/109/88-D2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 59/89

In the matter of dispute :

BETWEEN

Shri Tribhuvan shah S/o Shri Arjun Saha,
A-307, Pandav Nagar,
Shadipur Dpot,
New Delhi-1100006.

Versus

General Manager,
Northern Telecommunication Region,
Telecommunication Department,
Kidwai Bhawan, Janpath Road,
New Delhi-1.

Shri Partap Rai—for the workman.

Shri M. K. Sharma on behalf of Shri Anil
Sehgal—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/109/88-D.2 (B), dated 20-5-89 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the General Manager Northern Telecommunication Region, Telecommunication Department, New Delhi in terminating the services of Shri Tribhuvan Shaha s/o Shri Arjun Saha, Daily wages w.e.f. 5-7-87 is legal and valid ? If not, to what relief the workman is entitled to ?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts. Vaidikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department Telecommunication being not an 'Industry'. It was held as follows :

“Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry.”

3. In view of this situation since the management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties left to bear their own costs.
1st September, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 1997

का. आ. 2464.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग वशा हुआ, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 1997 को इस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

- (1) "जिला टोंक की तहसील निवाई के राजस्थान ग्राम निवाई, महाराजापुरा, चैनपुरा, गुन्सी, मुण्डिया और रूपवास के अंतर्गत आने वाले क्षेत्र।"
- (2) "जिला टोंक में निवाई नगरपालिका सीमाओं के अंतर्गत आने वाले क्षेत्र।"

[संख्या: एस-38013/16/97-एम एस.-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 11th September, 1997

S.O. 2464.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 1997 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Rajasthan, namely:—

1. "The areas comprising the revenue villages Newai, Maharaipura, Chenpura, Guns, Mundia and Rupwas of Tehsil Newai District Tonk."
2. "The areas within the municipal limits of Newai in District Tonk".

[No. S-38013/16/97-SS. II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 11 सितम्बर, 1997

का. आ. 2465.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 1997 को इस तारीख के रूप में नियत करती है, जिसको उक्त

अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

"जिला उदयपुर तहसील माबली के राजस्थान ग्राम डबोक, नाहरमगरा, खेमली, मेडता, तुलसीदास की सराय, गाडवा, गुडली के अंतर्गत आने वाले क्षेत्र।"

[संख्या: एस-38013/17/97-एस.एस.-I]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 11th September, 1997

S.O. 2465.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 1997 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Rajasthan, namely:—

"The areas comprising the revenue village Debok, Maharmagra, Khemli, Medta, Tulsidas Ki Sarai, Godwa, Gudli of Tehsil Mawli in District Udaipur."

[No. S-38013/17/97-SS.-I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 16 सितम्बर, 1997

का. आ. 2466.—केन्द्रीय सरकार का यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (व) के उपखंड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 907 दि. 17 मार्च, 1997 द्वारा बैंक नोट प्रेस, देवास (म.प्र.) में सेवाओं का उक्त अधिनियम के प्रयोजनों के लिए 17 मार्च, 1997 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (VI) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 17 सितम्बर 1997 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/4/97-आई.आर.(पी.एस.)]

एच.सी. गुप्ता, अवर सचिव

New Delhi, the 16th September, 1997

S.O. 2466.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-

clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 907 dated 17th March, 1997 the services in Bank Note Press, Dewas (M.P.) to be a public utility service for the purpose of the said Act, for a period of six months from the 17th March, 1997;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months:

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 17th September, 1997.

[No. S-11017/4/97-IR(PL)]

H. C. GUPTA, Under Secy.